THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 24, 2017

Assembly called to order at 12:04 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om

bhur bhuваh svah
tat Savitуr vаrenyаm
bhаrgо devаsya dhiмаhi
dhiyo you nah prаchodyаt

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead us from the unreal to the Real.
Lead us from darkness to Light.
Lead us from death to immortality.

tasmadаsaktah satatаm kаryаm karma samacаra
asakto hyаcarankаrma paramаnотi puruṣаh

karmanaiva hi sаmsiddhimаsthitа janakadayаh
lokаsаngrahamеvаpi samρаsyaνkаrtumаrхаsі

Strive constantly to serve the welfare of the world; by devotion to selfless, one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naаvаvаtu
Sаhа nаu bhunаktu
Sаhа viгrаν karаvаvаhаi
Tejаsvі naаvаdvаhιtаmаstu
Mаа viδ hiṣhhaаvаhаi

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

samаnі vа аkutіh
samаnа hrdаvаnі vаh
sамanаm аstu vо маnо
yаthа vаh susаhаstі
United your resolve, united your hearts, may your spirits be at one, that you may long together dwell in unity and concord!

Om Shanti, Shanti, Shanti.
Peace, Peace, Peace be unto all.
Om.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Government Affairs, to which was referred Senate Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 183, 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, Chair

Mr. Speaker:
Your Committee on Health and Human Services, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, Chair

Mr. Speaker:
Your Committee on Judiciary, to which was referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, Chair

Mr. Speaker:
Your Committee on Taxation, to which was referred Senate Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, Chair

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2017

To the Honorable the Assembly:
I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 41, 188, 204, 246, 251, 260, 477, 481, 483.
Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 5, Amendment No. 799; Assembly Bill No. 46, Amendment No. 748; Assembly Bill No. 68, Amendment No. 810; Assembly Bill No. 76, Amendment No. 785; Assembly Bill No. 126, Amendment No. 820; Assembly Bill No. 148, Amendment No. 798; Assembly Bill No. 219, Amendment No. 871; Assembly Bill No. 241, Amendment No. 797; Assembly Bill No. 243, Amendment No. 786; Assembly Bill No. 253, Amendment No. 761; Assembly Bill No. 259, Amendment No. 787; Assembly Bill No. 277, Amendment No. 796; Assembly Bill No. 292, Amendment No. 850; Assembly Bill No. 299,
Amendment No. 752; Assembly Bill No. 304, Amendment No. 753; Assembly Bill No. 339, Amendment No. 781; Assembly Bill No. 356, Amendment No. 826; Assembly Bill No. 361, Amendment No. 782; Assembly Bill No. 372, Amendment No. 852; Assembly Bill No. 381, Amendment No. 859; Assembly Bill No. 410, Amendment No. 811; Assembly Bill No. 424, Amendment No. 754; Assembly Joint Resolution No. 11, Amendment No. 803, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 69, 124, 189, 261, 427, 518.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 718 to Senate Bill No. 46; Assembly Amendment No. 743 to Senate Bill No. 59; Assembly Amendment No. 666 to Senate Bill No. 101; Assembly Amendment No. 714 to Senate Bill No. 366.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that persons as set forth on the Nevada Legislature’s Press Accreditation List of May 24, 2017, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day’s Journal:


Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 430; Senate Bills Nos. 149, 164, 251, 253, 282, 413, 448, 470, 472, and 492 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 169, be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 514—AN ACT relating to prisoners; authorizing the Division of Parole and Probation of the Department of Public Safety to provide money for transitional housing for indigent prisoners released on parole under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.
Senate Bill No. 69.
Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 124.
Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 189.
Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 221.
Assemblywoman Swank moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.
Motion carried.

Senate Bill No. 261.
Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 427.
Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.
Motion carried.

Senate Bill No. 518.
Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 470 and 472 be taken from the Chief Clerk’s desk and placed on the General File after Assembly Bill No. 206.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 226 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 183.
Bill read third time.
The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 909.

AN ACT relating to local financial administration; making the provisions of the Local Government Budget and Finance Act applicable to certain housing authorities; revising requirements for certain commissioners and reducing the number of commissioners of a regional housing authority in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any town, city or county to create by resolution a housing authority to provide various types of housing services for persons of low income in such town, city or county. (NRS 315.140-315.780) Existing law also authorizes two or more housing authorities in a county whose population is 700,000 or more (currently Clark County) to form a regional housing authority. (NRS 315.7805) Existing law further creates the Nevada Rural Housing Authority to provide various types of housing services for persons of low and moderate income in areas of the State which are not included within the corporate limits of a city or town having a population of 150,000 or more. (NRS 315.961-315.99874)

The Local Government Budget and Finance Act sets forth various requirements, procedures and limitations relating to the financial administration of local governments. (NRS 354.470-354.626) Under existing law, the Act applies to the Nevada Rural Housing Authority for the sole purpose of requiring the Authority to hold a public hearing before making an interfund loan or loaning money to another local government but does not apply to any other type of housing authority. (NRS 315.420, 315.983, 354.474, 354.6118)

Section 1 of this bill amends the definition of “local government” so that the Local Government Budget and Finance Act applies to [all] a regional housing authority. [Sections] Section 2 [and 3] of this bill makes conforming changes.

[Existing law authorizes two or more housing authorities in a county whose population is 700,000 or more (currently Clark County), to form a regional housing authority. (NRS 315.7805)] If [such] a regional housing authority is formed, existing law requires 13 persons be appointed to serve as commissioners to the authority for terms of office of 4 years and sets forth qualifications for commissioners. (NRS 315.7809) Section 2.5 of this bill requires that certain persons appointed to the regional housing authority be elected members of the governing bodies making the appointments. Section 2.5 further provides that a commissioner may not serve more than two terms] reduces the number of persons appointed to serve as commissioners from 13 to 9. Section 3.5 of this bill provides that the terms of office of certain commissioners appointed to the regional housing authority by certain cities expire on July 1, 2017.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 354.474 is hereby amended to read as follows:

1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes:

(1) The Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

(2) Every housing authority created by or pursuant to chapter 315 of NRS.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.
Sec. 2. NRS 354.536 is hereby amended to read as follows:

354.536 “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested. *The term includes, without limitation, the commissioners of a regional authority created by or formed pursuant to chapter 315 of NRS [≠] 315.7805, if the general legislative and fiscal powers of the regional authority are vested in the commissioners.*

Sec. 2.5. NRS 315.7809 is hereby amended to read as follows:

315.7809 1. Upon the adoption of a resolution pursuant to NRS 315.7805 forming a regional authority, [12] nine persons must be appointed to serve as commissioners of the authority as follows:

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority [≠], one of whom must be an elected member of the governing body of the county;

(b) The governing body of the largest city in the county that participates in the regional authority shall appoint [three persons to serve as commissioners], one of its members to serve as a commissioner of the authority [≠], one of whom must be an elected member of the governing body of such a city;

(c) The governing body of the second largest city in the county that participates in the regional authority shall appoint [two persons to serve as commissioners], one of its members to serve as a commissioner of the authority [≠], one of whom must be an elected member of the governing body of such a city;

(d) The governing body of the third largest city in the county that participates in the regional authority shall appoint [two persons to serve as commissioners], one of its members to serve as a commissioner of the authority [≠], one of whom must be an elected member of the governing body of such a city; and

(e) Four commissioners who serve on behalf of tenants must be selected as described in subsection 3, including:

(1) One commissioner who serves on behalf of tenants of the county, appointed by the governing body of the county;

(2) One commissioner who serves on behalf of tenants of the largest city in the county that participates in the regional authority, appointed by the governing body of that city;

(3) One commissioner who serves on behalf of tenants of the second largest city in the county that participates in the regional authority, appointed by the governing body of that city; and

(4) One commissioner who serves on behalf of tenants of the third largest city in the county that participates in the regional authority, appointed by the governing body of that city.

None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.

2. Each commissioner must be appointed for a term of office of 4 years.

[A commissioner may not serve more than two terms.]
JOURNAL OF THE ASSEMBLY

3. Each commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who resides in the county or in the city from which he or she is appointed, as applicable, and who is selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects in the county or city, as applicable. If no such organization exists, each such commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority and who reside in the county or in the city for which the list of nominees is prepared, as applicable. Thereafter, at least four commissioners must be such recipients who were nominated and appointed in the same manner. If, during his or her term, any such commissioner ceases to be a recipient of assistance, the commissioner must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the appointment of a person who is not a member of the governing body of the county described in paragraphs (a) to (d), inclusive, of subsection 1, of persons who are not elected members of the governing bodies of the relevant local governments, the governing body shall seek recommendations for appointment from a diverse background of interests with a view toward:
   (a) Balancing gender and ethnicity; and
   (b) Soliciting appointees who have education and experience in fields such as, without limitation:
      (1) Real estate;
      (2) Financial planning;
      (3) Legal aid;
      (4) Education;
      (5) Public safety;
      (6) The provision of public services; and
      (7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 3. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the Authority:
   (a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.061 to 315.99874, inclusive, but not the power to levy and collect taxes or special assessments;
   (b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:
(a) Sue and be sued.
(b) Have a seal.
(c) Have perpetual succession.
(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.
(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.
(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.
(h) Enter into agreements or other transactions with, and accept grants from, and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive.
(i) Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.
(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

Sec. 3.5. The term of office of any person who:
1. Has been appointed pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 315.7809, as that section existed before July 1, 2017, to serve as a commissioner of a regional authority formed pursuant to NRS 315.7805; and
2. Is serving as a commissioner on July 1, 2017, expires on that date.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 233.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 913.
SENATORS RATTI, CANCELA, SPEARMAN, CANNIZZARO, WOODHOUSE; ATKINSON, DENIS, FORD, MANENDO, PARKS AND SEGERBLOM
AN ACT relating to health care; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to reproductive health care, hormone replacement therapy and preventative health care; revising provisions relating to dispensing of contraceptives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for contraceptive drugs and devices without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Existing law also requires most health insurance plans to include coverage for certain preventative services, including the human papillomavirus vaccine, cytological screenings and mammograms. (NRS 287.0272, 689A.0404, 689A.044, 689B.0313, 689B.0374, 695B.1912, 695B.1925, 695C.1735, 695C.1745, 695G.171) Certain plans, including small employer plans, benefit contracts provided by fraternal benefit societies, plans issued by a managed care organization and certain plans offered by governmental entities of this State are not currently subject to some of these requirements. (Chapters 287, 689C, 695A and 695G of NRS)

The federal Patient Protection and Affordable Care Act (Public Law 111-148, as amended) requires certain preventative services to be covered by every health insurance plan without any copay, coinsurance or higher deductible, including, without limitation, certain contraceptive drugs, devices and services, certain vaccinations, mammograms, counseling concerning interpersonal and domestic violence, screenings for certain diseases and well-woman preventative visits. (42 U.S.C. § 300gg-13(a)(4); 45 C.F.R. § 147.130) This bill places those requirements in Nevada law, requiring all private health insurance plans and certain public health insurance plans made available in this State to provide coverage for certain preventative services without any copay, coinsurance or a higher deductible. Sections 7, 8 and 11-57 of this bill allow an insurer to require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refused to accept a therapeutic equivalent of the contraceptive drug. In addition, a health insurance plan must include for each listed method of contraception which is approved by the Food and Drug Administration at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the insured. Sections 7, 8 and 11-57 authorize an insurer to use medical management techniques, including step therapy and prior authorization, to determine the frequency of the preventative services required by this bill or the type of provider of health care who will provide such services. Sections 7, 8 and 11-57 also require
certain contraceptive drugs, devices and services to be covered by a health insurance plan, including up to a 12-month supply of contraceptives or a therapeutic equivalent, insertion or removal of a contraceptive device, education and counseling relating to contraception and voluntary sterilization for women. Sections 12, 18, 27, 33, 38, 45 and 54: (1) prohibit the use of medical management techniques to require an insured to use a method of contraception other than that prescribed or ordered by a provider of health care; and (2) require an insurer to provide a process by which an insured can request an exemption from a medical management technique required by an insurer to obtain contraception.

Existing law authorizes an insurer which is affiliated with a religious organization and which objects on religious grounds to providing coverage for contraceptive drugs and devices to exclude coverage in its policies, plans or contracts for such drugs and devices. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Sections 12, 20, 27, 33, 38, 45 and 54 of this bill move the religious exemption to the new provisions relating to coverage of contraception.

Existing law requires most health insurance plans which cover prescription drugs and outpatient care to also include coverage for hormone replacement therapy without an additional copay, coinsurance or a higher deductible than that which may be charged for other prescription drugs and outpatient care under the plan. (NRS 689A.0415, 689A.0417, 689B.0376, 689B.0377, 695B.1916, 695B.1918, 695C.1694, 695C.1695) Sections 7, 8 and 11-57 of this bill expand this requirement to private health insurance plans and certain public health insurance plans made available in this State and require such health insurance plans to provide coverage for hormone replacement therapy without any copay, coinsurance or higher deductible.

Existing law requires this State to develop a State Plan for Medicaid which includes, without limitation, a list of the medical services provided to Medicaid recipients. (42 U.S.C. § 1396a; NRS 422.063) Existing federal law authorizes a state to charge a copay, coinsurance or deductible for most Medicaid services, but prohibits any copay, coinsurance or deductible for certain contraceptive drugs, devices and services. (42 U.S.C. § 1396o-1) Existing federal law also authorizes a state to define the parameters of contraceptive coverage provided under Medicaid. (42 U.S.C. § 1396u-7) Existing law requires a number of specific medical services to be covered under Medicaid. (NRS 422.2717-422.2724) Sections 2-5.5 of this bill require the State Plan for Medicaid to include [these] certain preventative services currently required to be covered by private health insurance plans pursuant to existing Nevada law, the Patient Protection and Affordable Care Act (Public Law 111-148 as amended) as well as the additional drugs, devices, supplies and services required by sections 7, 8 and 11-57 without any copay, coinsurance or deductible in most cases. The benefits relating to contraceptive drugs which are provided by section 2 of this bill are subject to step therapy and prior authorization requirements pursuant to existing law.
Existing law authorizes a pharmacist to dispense up to a 90-day supply of a drug pursuant to a valid prescription or order in certain circumstances. (NRS 639.2396) Section 8.5 of this bill requires a pharmacist to dispense up to a 12-month or the balance of the plan year, whichever is shorter, supply of contraceptives or their therapeutic equivalent pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is shorter; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:
(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration; and
   (3) Dispensed in accordance with section 8.5 of this act.
(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;
(c) Insertion or removal of a device for contraception;
(d) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;
(e) Management of side effects relating to contraception; and
(f) Voluntary sterilization for women.
2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:
   (a) Pay a higher deductible, any copayment or coinsurance; or
   (b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.
4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section, “therapeutic equivalent” means a drug which:
   (a) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
   (b) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
   (c) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 3. 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:
   (a) Counseling and support for breastfeeding;
   (b) Screening and counseling for interpersonal and domestic violence;
   (c) Counseling for sexually transmitted diseases;
   (d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;
   (e) An annual screening for cervical cancer;
   (f) Screening for depression;
   (g) Screening and counseling for the human immunodeficiency virus;
   (h) Smoking cessation programs; [including not more than two cessation attempts per year and four counseling sessions of not more than 10 minutes each per year;]
   (i) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and
   (j) Such well-woman preventative visits as recommended by the Health Resources and Services Administration; and
   (k) Hormone replacement therapy.

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:
   (a) Pay a higher deductible, any copayment or coinsurance; or
   (b) Be subject to a longer waiting period or any other condition.

Sec. 4. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures
incurred for a mammogram if ordered by a provider of health care, for women 40 years of age or older.  
2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:
   (a) Pay a higher deductible, any copayment or coinsurance; or
   (b) Be subject to a longer waiting period or any other condition.  
3. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 4.5. The Director may include in the State Plan for Medicaid a requirement that, to the extent money is available, the State pay the nonfederal share of expenditures incurred for:
1. Supplies for breastfeeding; and
2. Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization.

Sec. 5. NRS 422.2718 is hereby amended to read as follows:

422.2718 1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses incurred for [administering):
   (a) Testing for [high-risk strains of] human papillomavirus [every 3 years for women 30 years of age or older]; and
   (b) Administering the human papillomavirus vaccine [to women and girls] at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. To obtain the services listed in subsection 1, a person enrolled in Medicaid must not be required to:
   (a) Pay a higher deductible, any copayment or coinsurance; or
   (b) Be subject to a longer waiting period or any other condition.

3. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration to be used for the prevention of human papillomavirus infection and cervical cancer.

Sec. 5.5. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, and sections 2 to 4.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 have the meanings ascribed to them in those sections.

Sec. 5.7. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.401 to 422.406, inclusive, and sections 2 to 4.5, inclusive, of this act, and to administer the provisions of NRS 422.401 to 422.406, inclusive [i.e.], and sections 2 to 4.5, inclusive, of this act:
   (a) Adopt regulations; and
(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to NRS 422.401 to 422.406, inclusive, and sections 2 to 4.5, inclusive, of this act, must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, and sections 20 and 21 of this act and 689B.287 apply to coverage provided pursuant to this paragraph except that the provisions of sections 20 and 21 of this act only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school
district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:
   (a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and
   (b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:
   (a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.
   (b) Does not become effective unless approved by the Commissioner.
   (c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, “legal services organization” means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and sections 54,
55 and 56 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration a pharmacist shall:
   (a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.
   (b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.
   (c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:
   (a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and
   (b) The patient is covered by the same health care plan.

3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.

4. As used in this section:
   (a) “Health care plan” means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.
   (b) “Plan year” means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.
   (c) “Therapeutic equivalent” means a drug which:
      (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
      (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 639.2396 is hereby amended to read as follows:
639.2396 1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. Except as otherwise provided in section 8.5 of this act, a pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:
   (a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;
   (b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and
   (c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 10. (Deleted by amendment.)

Sec. 11. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. 1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:
   (a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
      (1) Lawfully prescribed or ordered;
      (2) Approved by the Food and Drug Administration;
      (3) Listed in subsection 8; and
      (4) Dispensed in accordance with section 8.5 of this act;
   (b) Any type of device for contraception which is:
      (1) Lawfully prescribed or ordered;
      (2) Approved by the Food and Drug Administration; and
      (3) Listed in subsection 8;
2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 6, 7 and 9, an insurer that offers or issues a policy of health insurance shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;
   (b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a policy of
health insurance must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:
   (a) Voluntary sterilization for women;
   (b) Surgical sterilization implants for women;
   (c) Implantable rods;
   (d) Copper-based intrauterine devices;
   (e) Progestosterone-based intrauterine devices;
   (f) Injections;
   (g) Combined estrogen- and progestin-based drugs;
   (h) Progestin-based drugs;
   (i) Extended- or continuous-regimen drugs;
   (j) Estrogen- and progestin-based patches;
   (k) Vaginal contraceptive rings;
   (l) Diaphragms with spermicide;
   (m) Sponges with spermicide;
   (n) Cervical caps with spermicide;
   (o) Female condoms;
   (p) Spermicide;
   (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
   (r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior
authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

(d) “Therapeutic equivalent” means a drug which:

1. Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

2. Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

3. Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression;

(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;
(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;
   (b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(b) “Network plan” means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 14. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;
(b) A baseline mammogram for women between the ages of 35 and 40; and
(c) An annual mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:
(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;
(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [October 1, 1989] January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 this section is void.
5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 15. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for:
   (a) Any type of drug or device for contraception; and
   (b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for a contraceptive or hormone replacement therapy; or
   (b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services or hormone replacement therapy;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing any of the services listed in subsection 1; or
   (d) Penalize a provider of health care who provides any of the services listed in subsection 1 hormone replacement therapy; or
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay [any of the services listed in subsection 1] hormone replacement therapy to an insured.

3. [Except as otherwise provided in subsection 5.a] A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not [—]
   (a) Require an insurer to provide coverage for fertility drugs.
   (b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the policy.

5. [An insurer which offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.]

6. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 689A.0417 is hereby amended to read as follows:

689A.0417 1. [Except as otherwise provided in subsection 5, an] An insurer that offers or issues a policy of health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to contraceptive or hormone replacement therapy.

2. An insurer that offers or issues a policy of health insurance that provides coverage for outpatient care shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to contraceptive or hormone replacement therapy; [than is required for other outpatient care covered by the policy.]
   (b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future [any of the services listed in subsection 1] hormone replacement therapy;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing [any of the services listed in subsection 1] hormone replacement therapy;
(d) Penalize a provider of health care who provides any of the services listed in subsection 1 hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay any of the services listed in subsection 1 hormone replacement therapy to an insured.

3. Except as otherwise provided in subsection 5, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.

5. An insurer which offers or issues such a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering:

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain
any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [July 1, 2007] January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Network plan” means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive, and sections 12 and 13 of this act.

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. 1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;
(2) Approved by the Food and Drug Administration;
(3) Listed in subsection 9; and
(4) Dispensed in accordance with section 8.5 of this act;
(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;
(2) Approved by the Food and Drug Administration; and
(3) Listed in subsection 9;
(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;
(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and
(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 7, 8 and 10, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;
(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. An insurer that offers or issues such a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Antiprogestin-based drugs for emergency contraception.

10. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:
(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(b) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.
(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
(d) “Therapeutic equivalent” means a drug which:
(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;
(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;
(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;
(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;
(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(g) Screening for depression;
(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;
(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;
(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and
(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain
any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and
(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. [A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.] An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;
   (b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [July 1, 2007,] January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section [human]:
   (a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.
(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:

(a) An annual cytologic screening test for women 18 years of age or older;

(b) A baseline mammogram for women between the ages of 35 and 40; and

(c) An annual mammogram every 2 years, or annually if ordered by provider of health care, for women 40 years of age or older.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.
4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for:
   (a) Any type of drug or device for contraception; and
   (b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a contraceptive or hormone replacement therapy; [than is required for other prescription drugs covered by the policy;]
   (b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future [any of the services listed in subsection 1];
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing any of the services listed in subsection 1; **hormone replacement therapy**;

(d) Penalize a provider of health care who provides any of the services listed in subsection 1; **hormone replacement therapy** to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay any of the services listed in subsection 1; **hormone replacement therapy** to an insured.

3. **Except as otherwise provided in subsection 5,** an insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

4. An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. An insurer that offers or issues a policy of group health insurance which provides coverage for outpatient care shall include in the policy coverage for any health care service related to **contraceptives or hormone replacement therapy.**
(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to [contraceptives or] hormone replacement therapy; than is required for other outpatient care covered by the policy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future [any of the services listed in subsection 1] hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing [any of the services listed in subsection 1] hormone replacement therapy;

(d) Penalize a provider of health care who provides [any of the services listed in subsection 1] hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay [any of the services listed in subsection 1] hormone replacement therapy to an insured.

3. [Except as otherwise provided in subsection 5, a] A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. [The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the policy.]

5. An insurer which offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.
Sec. 26. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 30, inclusive, of this act.

Sec. 27. 1. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:
   (a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
      (1) Lawfully prescribed or ordered;
      (2) Approved by the Food and Drug Administration;
      (3) Listed in subsection 8; and
      (4) Dispensed in accordance with section 8.5 of this act;
   (b) Any type of device for contraception which is:
      (1) Lawfully prescribed or ordered;
      (2) Approved by the Food and Drug Administration; and
      (3) Listed in subsection 8;
   (c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;
   (d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and
   (e) Voluntary sterilization for women.
   2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.
   3. Except as otherwise provided in subsections 6, 7 and 9, a carrier that offers or issues a health benefit plan shall not:
      (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;
      (b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;
      (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
      (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
      (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
      (f) Impose any other restrictions or delays on the access of an insured to any such benefit.
   4. Except as otherwise provided in subsection 5, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including
the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

6. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:
   (a) Voluntary sterilization for women;
   (b) Surgical sterilization implants for women;
   (c) Implantable rods;
   (d) Copper-based intrauterine devices;
   (e) Progesterone-based intrauterine devices;
   (f) Injections;
   (g) Combined estrogen- and progestin-based drugs;
   (h) Progestin-based drugs;
   (i) Extended- or continuous-regimen drugs;
   (j) Estrogen- and progestin-based patches;
   (k) Vaginal contraceptive rings;
   (l) Diaphragms with spermicide;
   (m) Sponges with spermicide;
   (n) Cervical caps with spermicide;
   (o) Female condoms;
   (p) Spermicide;
   (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
   (r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.
10. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
   (d) “Therapeutic equivalent” means a drug which:
       (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
       (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
       (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 28. 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:
   (a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;
   (b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;
   (c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;
   (d) Hormone replacement therapy;
   (e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any
provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 29. 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:
   (a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age or older; and
   (b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;
   (b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
(a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.
(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(c) “Network plan” means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.
(d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 30. 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:
(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;
(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(b) “Network plan” means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.
(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 31. NRS 689C.425 is hereby amended to read as follows:
689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and sections 27 to 30, inclusive, of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.
Sec. 32. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 36, inclusive, of this act.

Sec. 33. 1. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration;
   (3) Listed in subsection 8; and
   (4) Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration; and
   (3) Listed in subsection 8;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsections 6, 7 and 9, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including
the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

6. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Antiprogestin-based drugs for emergency contraception.

9. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.
10. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
   (d) “Therapeutic equivalent” means a drug which:
       (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
       (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
       (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 34. 1. A society that offers or issues a benefit contract shall include in the contract coverage for:
   (a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;
   (b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;
   (c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;
   (d) Hormone replacement therapy;
   (e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;
   
   (b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;
   
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any
5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 35. 1. A benefit contract must provide coverage for benefits payable for expenses incurred for:
   (a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and
   (b) Administering the human papillomavirus vaccine, as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in the benefit contract pursuant to subsection 1;
   (b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
(a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.
(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(c) “Network plan” means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.
(d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 36. 1. A benefit contract must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.
2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.
3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:
(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;
(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
(f) Impose any other restrictions or delays on the access of an insured to any such benefit.
4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.
5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.
6. As used in this section:
(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(b) “Network plan” means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.
(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
Sec. 37. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 38 and 39 of this act.
Sec. 38. 1. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:
(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration;
   (3) Listed in subsection 9; and
   (4) Dispensed in accordance with section 8.5 of this act;
(b) Any type of device for contraception which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration; and
   (3) Listed in subsection 9;
(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;
(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and
(e) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsections 7, 8 and 10, an insurer that offers or issues a contract for hospital or medical service shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;
   (b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. Except as otherwise provided in subsection 5, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.
5. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:
   (a) Voluntary sterilization for women;
   (b) Surgical sterilization implants for women;
   (c) Implantable rods;
   (d) Copper-based intrauterine devices;
   (e) Progesterone-based intrauterine devices;
   (f) Injections;
   (g) Combined estrogen- and progestin-based drugs;
   (h) Progestin-based drugs;
   (i) Extended- or continuous-regimen drugs;
   (j) Estrogen- and progestin-based patches;
   (k) Vaginal contraceptive rings;
   (l) Diaphragms with spermicide;
   (m) Sponges with spermicide;
   (n) Cervical caps with spermicide;
   (o) Female condoms;
   (p) Spermicide;
   (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
   (r) Anti-progestin-based drugs for emergency contraception.

10. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or
treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

11. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

(d) “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 39. 1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;
(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;
(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(g) Screening for depression;
(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;
(i) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;
(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and
(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;
   (b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.
4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for:

   (a) An annual cytologic screening test for women 18 years of age or older;
   (b) A baseline mammogram for women between the ages of 35 and 40; and
   (c) An annual mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain
any benefit provided in a contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 41. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for [72] [ ]
(a) Any type of drug or device for contraception; and
(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for contraceptive or hormone replacement therapy; [than is required for other prescription drugs covered by the contract]

   (b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future any of the services listed in subsection 1; hormone replacement therapy;

   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing any of the services listed in subsection 1; hormone replacement therapy;

   (d) Penalize a provider of health care who provides any of the services listed in subsection 1; hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay any of the services listed in subsection 1; hormone replacement therapy to an insured.

3. Except as otherwise provided in subsection 5, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not:

   (a) Require an insurer to provide coverage for fertility drugs.

   (b) Prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the insured is required to pay for other prescription drugs covered by the contract.

5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide.
The insurer shall provide notice to each insured at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 42. NRS 695B.1918 is hereby amended to read as follows:

695B.1918 1. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service which provides coverage for outpatient care shall include in the contract coverage for any health care service related to contraceptives or hormone replacement therapy.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to contraceptives or hormone replacement therapy; than is required for other outpatient care covered by the contract;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future any of the services listed in subsection 1; hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing any of the services listed in subsection 1; hormone replacement therapy;

(d) Penalize a provider of health care who provides any of the services listed in subsection 1; hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay any of the services listed in subsection 1; hormone replacement therapy to an insured.

3. Except as otherwise provided in subsection 5, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not prohibit an insurer from requiring an insured to pay a deductible, copayment or coinsurance for the
coverage required by subsection 1 that is the same as the insured is required to pay for other outpatient care covered by the contract.

5. An insurer which offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage for health care service related to contraceptives required by this section if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection. The insurer shall provide notice to each insured, at the time the insured receives his or her certificate of coverage or evidence of coverage, that the insurer refused to provide coverage pursuant to this subsection.

6. If an insurer refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 43. NRS 695B.1925 is hereby amended to read as follows:

695B.1925 1. [A policy of health insurance issued by a hospital or medical service corporation] An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for (administering):

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine to women and girls at such ages as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. [A policy of health insurance issued by a hospital or medical service corporation must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.] An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise required by subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy contract or the renewal which is in conflict with this section is void.

4. For the purposes of

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Network plan” means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 44. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. 1. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:
(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

1. Lawfully prescribed or ordered;
2. Approved by the Food and Drug Administration;
3. Listed in subsection 9; and
4. Dispensed in accordance with section 8.5 of this act;

(b) Any type of device for contraception which is:

1. Lawfully prescribed or ordered;
2. Approved by the Food and Drug Administration; and
3. Listed in subsection 9;

(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use; and

(e) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsections 7, 8 and 10, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. Except as otherwise provided in subsection 5, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not
required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

8. For each of the 18 methods of contraception listed in subsection 9 that has been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

9. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Antiprogestin-based drugs for emergency contraception.

10. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required
by this section or the type of provider of health care to use for such treatment.

11. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

12. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

13. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
   (d) “Therapeutic equivalent” means a drug which:
       (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
       (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
       (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 46. 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:
   (a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;
   (b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;
   (c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;
(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;
(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;
(g) Screening for depression;
(h) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the enrollee or as ordered by a provider of health care;
(i) Smoking cessation programs for an enrollee who is 18 years of age or older not more than two cessation attempts per year and four counseling sessions per year;
(j) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and
(k) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:
(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;
(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or
(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.
4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 47. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.1735, 695C.1737, 695C.1751, 695C.1755, 695C.1759 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan
for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 and sections 45 and 46 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 48. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. [Except as otherwise provided in subsection 5, a] A health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for:

(a) Any type of drug or device for contraception; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for a contraceptive or hormone replacement therapy than is required for other prescription drugs covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1; hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing any of the services listed in subsection 1; hormone replacement therapy;

(d) Penalize a provider of health care who provides any of the services listed in subsection 1; hormone replacement therapy to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay any of the services listed in subsection 1; hormone replacement therapy to an enrollee.

3. [Except as otherwise provided in subsection 5, evidence] Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the
evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require a health maintenance organization to provide coverage for fertility drugs.

(b) Prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by paragraphs (a) and (b) of subsection 1 that is the same as the enrollee is required to pay for other prescription drugs covered by the plan.

5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by paragraph (a) of subsection 1 if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 49. NRS 695C.1695 is hereby amended to read as follows:

695C.1695 1. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan which provides coverage for outpatient care shall include in the plan coverage for any health care service related to contraceptives or hormone replacement therapy.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for outpatient care related to contraceptives or hormone replacement therapy; than is required for other outpatient care covered by the plan;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1; hormone replacement therapy;
(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing [any of the services listed in subsection 1] hormone replacement therapy;

(d) Penalize a provider of health care who provides [any of the services listed in subsection 1] hormone replacement therapy to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay [any of the services listed in subsection 1] hormone replacement therapy to an enrollee.

3. [Except as otherwise provided in subsection 5, evidence] Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 1999, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. [The provisions of this section do not prohibit a health maintenance organization from requiring an enrollee to pay a deductible, copayment or coinsurance for the coverage required by subsection 1 that is the same as the enrollee is required to pay for other outpatient care covered by the plan.

5. A health maintenance organization which offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage for health care services related to contraceptives required by this section if the health maintenance organization objects on religious grounds. The health maintenance organization shall, before the issuance of a health care plan and before renewal of enrollment in such a plan, provide to the group policyholder or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection. The health maintenance organization shall provide notice to each enrollee, at the time the enrollee receives his or her evidence of coverage, that the health maintenance organization refused to provide coverage pursuant to this subsection.

6. If a health maintenance organization refuses, pursuant to subsection 5, to provide the coverage required by paragraph (a) of subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

7.] As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 50. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health [maintenance] care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for [4]
—(a) An annual cytologic screening test for women 18 years of age or older;
—(b) A baseline mammogram for women between the ages of 35 and 40; and
—(c) An annual mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. A health maintenance plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:
(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;
(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;
(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or
(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

3. A policy health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 1989, January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior
authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 51. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for administering:

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.
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4. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [July 1, 2007, January 1, 2018,] has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with [subsection 1] this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section [—“human” :
(a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.
(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
(c) “Network plan” means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.
(d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:
(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;
(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, and sections 45 and 46 of this act or 695C.207;
(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:
   (1) Does not meet the requirements of subsection 1 of NRS 695C.080; or
   (2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:
   (1) Resolving complaints in a manner reasonably to dispose of valid complaints; and
   (2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.
Sec. 53. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. 1. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration;
   (3) Listed in subsection 8; and
   (4) Dispensed in accordance with section 8.5 of this act;
(b) Any type of device for contraception which is:
   (1) Lawfully prescribed or ordered;
   (2) Approved by the Food and Drug Administration; and
   (3) Listed in subsection 8;
(c) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;
(d) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;
(e) Voluntary sterilization for women; and
(f) Hormone replacement therapy.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsections 6, 7 and 9, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;
(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;
(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
(f) Impose any other restrictions or delays on the access of an insured to any such benefit.
4. Except as otherwise provided in subsection 5, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

6. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

7. For each of the 18 methods of contraception listed in subsection 8 that has been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

8. The following 18 methods of contraception must be covered pursuant to this section:
   (a) Voluntary sterilization for women;
   (b) Surgical sterilization implants for women;
   (c) Implantable rods;
   (d) Copper-based intrauterine devices;
   (e) Progesterone-based intrauterine devices;
   (f) Injections;
   (g) Combined estrogen- and progestin-based drugs;
   (h) Progestin-based drugs;
   (i) Extended- or continuous-regimen drugs;
   (j) Estrogen- and progestin-based patches;
   (k) Vaginal contraceptive rings;
   (l) Diaphragms with spermicide;
   (m) Sponges with spermicide;
   (n) Cervical caps with spermicide;
   (o) Female condoms;
   (p) Spermicide;
   (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
   (r) Antiprostegnin-based drugs for emergency contraception.
9. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

10. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

11. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

12. As used in this section:
   (a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.
   (b) “Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.
   (d) “Therapeutic equivalent” means a drug which:
      (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
      (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug;
      (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 55. 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:
   (a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;
   (b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;
(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 56. 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;
(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) “Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) “Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 57. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for:

(a) Deoxyribonucleic acid testing for high-risk strains of human papillomavirus every 3 years for women 30 years of age and older; and

(b) Administering the human papillomavirus vaccine as recommended for vaccination by a competent authority, including, without limitation, the
Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. [A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.] A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:
   (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in a health care plan pursuant to subsection 1;
   (b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;
   (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
   (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;
   (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or
   (f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:
   (a) “Human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.
“Medical management technique” means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

“Network plan” means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

“Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 58. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 59. This act becomes effective on January 1, 2018.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 281.
Bill read third time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 784.

AN ACT relating to real property; revising provisions relating to the disposition of excess proceeds received from the sale of real property by a county treasurer for delinquent taxes; revising provisions governing agreements to locate, deliver, recover or assist in the recovery of such excess proceeds; revising provisions governing the assessment of common expenses in a common-interest community; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a county tax receiver to execute and deliver a deed of a property in trust to the county treasurer under certain circumstances when the taxes on the property are delinquent. (NRS 361.585) After the deed has been delivered to the county treasurer, the county treasurer is authorized to make certain dispositions of the property, including, without limitation: (1) reconveying the property to certain persons upon payment of the amount of property taxes accrued, plus any costs, penalties and interest, if such payment is made within a certain time before the sale of the property by the county treasurer; or (2) selling the property to recover the delinquent taxes. (NRS 361.585, 361.595) If the county treasurer sells the property and excess proceeds remain after the county treasurer has applied the proceeds of the sale to the delinquent taxes and certain other payments, existing law provides
for the distribution of the excess proceeds from the sale to certain persons holding securing interests in the order of priority of their recorded liens. (NRS 361.610)

Section 2 of this bill revises provisions relating to the distribution of excess proceeds from the sale of property to recover delinquent taxes. Section 2 authorizes the following persons to receive a distribution of excess proceeds from such a sale: (1) a person who has a lien on the property for certain waste management fees or charges; (2) the unit-owners’ association of a common-interest community if the association has caused to be recorded a notice of default and election to sell a property to satisfy its lien on the property and that notice has not been rescinded; and (3) the unit-owners’ association of a condominium hotel or an owner of a unit of a condominium hotel if the association or owner has caused to be recorded a notice of default and election to sell a property to satisfy the association’s or owner’s lien on the property and that notice has not been rescinded. Under section 2, if a unit-owners’ association of a common-interest community recovers excess proceeds from the sale of a residential unit in the common-interest community, the association may not collect any amount remaining due to the association from the owner of the residential unit after receiving the excess proceeds. Finally, section 2 provides that the cap on the amount of the fee that may be charged by a person who assists another person in recovering excess proceeds from a sale of property for delinquent taxes applies only to a fee charged to a natural person who owned and occupied the property as his or her primary residence at the time of the sale.

Generally, existing law requires the expenses of a unit-owners’ association to be paid by imposing assessments against the units that are part of the association. (NRS 116.019, 116.3115) However, under existing law, expenses benefitting fewer than all of the units’ owners may be assessed only against the units or units’ owners benefited by the expenses. (NRS 116.3115) Section 2.5 of this bill specifies that if a unit-owners’ association pays, on behalf of a unit’s owner, delinquent property taxes or utility charges owed by the unit’s owner, those expenses may be assessed against the unit or the unit’s owner.

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

Section 1. (Deleted by amendment.)
Sec. 2. NRS 361.610 is hereby amended to read as follows:
361.610 1. Out of the sale price or rents of any property of which he or she is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from the county treasurer as trustee, he or she shall pay the redemption money over to any officers
having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:
   (a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or
   (b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:
   (a) The first $300 of the excess proceeds; and
   (b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his or her successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person [who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585] listed in subsection 6 makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:
   (a) The following persons [specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585] in the order of priority of the [recorded] liens [1] recorded or perfected before the sale:
      (1) A person holding a valid lien under subsection 3 of NRS 444.520;
      (2) Persons specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585;
      (3) An association, as defined in NRS 116.011, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116.31162 that has not been rescinded; and
      (4) An association, as defined in NRS 116B.030, or a hotel unit owner, as defined in NRS 116B.125, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has not been rescinded; and
(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:
   (a) Conduct a hearing to determine who is entitled to the excess proceeds;
   or
   (b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court.

10. **If an association, as defined in NRS 116.011, recovers any amount of excess proceeds of a sale of a residential unit, as defined in NRS 116.332, the amount recovered by the association shall be deemed to have satisfied the debt owed by the owner of the residential unit to the association and the association may not recover in a civil action or otherwise collect any deficiency remaining due to the association from the owner.**

11. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person [who would have been entitled to receive reconveyance of the property pursuant to] listed in subsection 4 of NRS 361.585 must:
   (a) Be in writing.
   (b) Be signed by the person [who would have been entitled to receive reconveyance listed in subsection 6].
   (c) If the agreement is entered into by a natural person for assistance in the recovery of excess proceeds remaining from a sale of a residence that was occupied by that natural person as his or her primary residence at the time of the sale, not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

12. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to the person, a person [described listed in subsection 4 of NRS 361.585] may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him or her. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.
Sec. 2.5. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.3115. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive, or as otherwise provided in this chapter:
   (a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.
   (b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units’ owners, impose any necessary and reasonable assessments against the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.

3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.
4. Except as otherwise provided in the governing documents:
   (a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;
   (b) Any common expense benefiting fewer than all of the units or their owners, including, without limitation, common expenses consisting of the payment, on behalf of a unit’s owner, of delinquent property taxes or utility charges owed by the unit’s owner, may be assessed exclusively against the units or units’ owners benefited; and
   (c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If damage to a unit or other part of the common-interest community, or if any other common expense is caused by the willful misconduct or gross negligence of any unit’s owner, tenant or invitee of a unit’s owner or tenant, the association may assess that expense exclusively against his or her unit, even if the association maintains insurance with respect to that damage or common expense, unless the damage or other common expense is caused by a vehicle and is committed by a person who is delivering goods to, or performing services for, the unit’s owner, tenant or invitee of the unit’s owner or tenant.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit’s owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 357.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 934.
SUMMARY—Revises provisions governing the use of apprentices on public works. (BDR 28-534)
AN ACT relating to apprentices; prohibiting a public body from awarding certain contracts for a public work to a contractor for a subcontractor on a public work to ensure an apprentice performs a certain percentage of the total hours of labor unless the contractor complies with certain requirements relating to the use of apprentices on public works in certain circumstances; requiring a contractor or subcontractor on a public work to ensure an apprentice performs a certain percentage of the total hours of labor unless the contractor complies with certain requirements relating to the use of apprentices on the public work in certain circumstances; works or pays a monetary penalty; prohibiting a contractor on certain public works from awarding subcontracts for more than 5 percent of the value of the public work to a subcontractor unless the subcontractor complies with certain requirements relating to the use of apprentices on public works or pays a monetary penalty; revising provisions relating to apprenticeship programs; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) the creation of the opportunity for persons to obtain training that will equip those persons for profitable employment and citizenship; and (2) the establishment of an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)
Section 4 of this bill prohibits a public body from awarding a contract for a public work for which the estimated cost exceeds $1,000,000 to a contractor unless the contractor: (1) ensured that apprentices of that contractor performed not less than 3 percent, or a higher percentage established by regulation of the Labor Commissioner, of the total hours of labor on the public work, starting at 3 percent for a contract for horizontal construction and 7 percent for a contract for vertical construction awarded in or after calendar year 2019, performed in each recognized class of worker for all contracts for public works awarded to the contractor; or (2) paid a monetary penalty imposed by the Labor Commissioner. Section 4 also prohibits a contractor awarded a contract for a public work on or after February 1,
2019, for which the estimated cost exceeds $1,000,000 from awarding a subcontract for more than 5 percent of the value of that public work to a subcontractor unless the subcontractor satisfied the same requirement for the use of apprentices on public works or paid a monetary penalty imposed by the Labor Commissioner. Section 4 authorizes the Labor Commissioner to [(1) adopt, with the approval of the State Apprenticeship Council, regulations revising such percentage requirements each calendar year, and (2) impose a monetary penalty for the failure of a contractor or subcontractor to comply with the requirement to use apprentices on a public work for the minimum percentage of hours] grant an exemption from this requirement if a public work is performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and the Labor Commissioner finds that there is a lack of qualified apprentices in a recognized class of worker from any available source in the geographic area in which the public work will be performed. Section 4 also excludes from those requirements contractors and subcontractors who employ fewer than a specified number of employees at the site of a public work.

Section 4 also [(1) requires the Labor Commissioner to issue a certificate of compliance to contractors and subcontractors who complied with the requirements of that section relating to the use of apprentices; and (2) a public body to verify a contractor’s compliance with the requirements for apprentice labor before awarding a contract for certain public works [(2) requires the public body to grant a preference in bidding for certain bidders who exceed such requirements; and (3) prohibits the award of certain contracts to a contractor or subcontractor who fails to comply with such requirements and to pay all monetary penalties imposed by the Labor Commissioner. In addition,) by obtaining the identification number included on the certificate of compliance issued to the contractor or subcontractor.]

Finally, section 4 requires all [(money which is collected by the Labor Commissioner for] monetary penalties imposed on a contractor or subcontractor for failure to comply with the requirements of that section to be paid to the State Director of Apprenticeships and distributed to [certain] programs [of apprenticeship that are approved by the State Apprenticeship Council] for the recruitment, education and training of construction workers and the placement of such workers in employment.

Section 6.85 of this bill requires an apprenticeship program to submit a quarterly report to the State Apprenticeship Council which contains the: (1) number of apprentices enrolled in the program; (2) enrollment capacity of the program; and (3) number of apprentices who completed the program in the period covered by the report. Section 6.85 further provides that on or before February 1, 2021, the State Apprenticeship Council is required to submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the 2021 Legislative Session.
Section 6.9 requires an apprenticeship program in which the number of apprentices enrolled is less than 40 percent of the enrollment capacity of the program to submit to the State Apprenticeship Council a strategic plan to recruit and retain apprentices and a monthly report concerning the progress of the program in recruiting and retaining apprentices.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, 4 or 5, on or after February 1, 2019, a contractor or subcontractor who performs labor on a public work pursuant to a public body shall not award a contract for a public work for which the estimated cost exceeds $1,000,000 unless:

(a) The contractor ensured that for each recognized class of worker an apprentice performed:

(1) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded in calendar year 2019 and each calendar year thereafter, not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor on the public work.

(b) The contractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

(b) For a contract or subcontract to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the contractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded in calendar year 2019 and each calendar year thereafter, not less than 7 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor on the public work to the contractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The contractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.
2. Except as otherwise provided in subsection 4 or 5, a contractor awarded a contract for a public work on or after February 1, 2019, for which the estimated cost exceeds $1,000,000 may not award a subcontract for more than 5 percent of the value of that public work to a subcontractor unless:

(a) For the immediately preceding calendar year the subcontractor ensured that for each recognized class of worker an apprentice performed:

(1) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for horizontal construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(2) Not less than 3 percent, or such other percentage as the Labor Commissioner may require pursuant to regulations adopted pursuant to subsection 9, of the total hours of labor performed by that recognized class of worker and reported by the subcontractor to public bodies for all contracts or subcontracts for vertical construction on a public work in this State which were awarded to the subcontractor and to which the provisions of NRS 338.020 to 338.090, inclusive, apply; or

(b) The subcontractor has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 6.

3. Except as otherwise provided in subsection 4 or 5, before awarding a contract for a public work for which the estimated cost exceeds $1,000,000, a public body must obtain the identification number of the certificate of compliance issued to each contractor pursuant to subsection 8 submitting a bid for the contract and verify whether:

(a) For the preceding year, complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or

(b) Has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.

3. Except as otherwise provided in subsection 6, for the purpose of awarding a contract for a public work for which the estimated cost exceeds $1,000,000, the bid submitted by a contractor shall be deemed to be 1 percent lower than the bid actually submitted for every percentage point by which the contractor, for the preceding year, exceeded the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable. The preference described in this subsection may not exceed a total of 5 percent; the award of the contract would comply with the provisions of subsection 1.
4. Except as otherwise provided in subsection 6, a public body may not award a contract for a public work for which the estimated cost exceeds $1,000,000 to a contractor unless the contractor:
   (a) For the preceding year, complied with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or
   (b) Has paid all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.

5. Except as otherwise provided in subsection 6, on or after January 1, 2020, a contractor on a public work for which the estimated cost exceeds $1,000,000 may not award a subcontract on that public work to a subcontractor if:
   (a) The project which the subcontractor is proposing to perform is estimated to constitute 5 percent or more of the total hours of labor of the public work; and
   (b) The subcontractor failed to:
       (1) For the preceding year, comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable; or
       (2) Pay all monetary penalties imposed by the Labor Commissioner pursuant to subsection 7.

6. A public body may submit a written request to the Labor Commissioner for an exemption from the requirements of subsection 1 for a public work. If a public body submits such a request, the public body shall not request bids for or enter into a contract for which the public body submitted the request until the Labor Commissioner approves or denies the request pursuant to this subsection. Not later than 90 days after receiving a request pursuant to this subsection, the Labor Commissioner shall approve or deny the request in writing and notify the public body of the approval or denial of the request. The Labor Commissioner shall conduct a public hearing on each request, at which any interested party may appear and provide evidence, and issue a written decision to approve or deny a request. The written decision of the Labor Commissioner is a public record and a copy of the decision must be included in any bid documents furnished by the public body. The Labor Commissioner may grant a request for an exemption submitted pursuant to this subsection only if the Labor Commissioner finds that the public work will be performed in a county whose population is less than 100,000 or a city whose population is less than 60,000 and there is a demonstrated lack of qualified apprentices in a recognized class of worker from any available source in the specific geographic area in which the public work for which an exemption is requested will be performed. If the Labor Commissioner grants an exemption to a public body pursuant to this subsection, the work performed by a contractor or subcontractor on the public work for which the exemption was granted must not be considered when determining whether
5. The provisions of subsections 1 to 5, inclusive, criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, do not apply to:

(a) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, horizontal construction on a public work and which employs fewer than 25 employees to perform work on the site of the public work; or

(b) A contractor or subcontractor which proposes to perform, or has been awarded a contract to perform, vertical construction on a public work and which employs fewer than 6 employees to perform work on the site of the public work.

Any work performed by a contractor or subcontractor on a public work described in paragraph (a) or (b), as applicable, must not be considered in determining whether the contractor or subcontractor satisfied the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable.

6. Each calendar year, the Labor Commissioner shall:

(a) Determine the percentage of total hours of labor which were performed by apprentices during the calendar year on each public work for which the estimated cost exceeded $1,000,000, to which the provisions of NRS 338.020 to 338.090, inclusive, apply;

(b) Determine whether a contractor or subcontractor who performed labor pursuant to a contract for a public work described in paragraph (a) complied with the requirements of subsection 1 or 2, as applicable, or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable;

(c) If applicable, determine the number of hours by which each contractor or subcontractor failed to comply with those requirements; and

(d) If a contractor or subcontractor does not satisfy the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, establish the amount of a monetary penalty which must be paid by a contractor or subcontractor to remain qualified to be awarded a contract for a public work for which the estimated cost exceeds $1,000,000. The monetary penalty must be payable to the Labor Commissioner for any failure of the contractor or subcontractor, as applicable, to comply with those requirements. The State Director of Apprenticeship and must be established as follows:

(I) For a contract to perform horizontal construction on a public work on or after January 1, 2019:

(II) A contractor or subcontractor for whom apprentices performed 2 percent or more, but less than 3 percent, of the total hours of labor on the public work that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, do not apply to:
applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than $2 but not more than $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(II) A contractor or subcontractor for whom apprentices performed 1 percent or more, but less than 2 percent, of the total hours of labor on the public work is required to pay $4 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(III) A contractor or subcontractor for whom apprentices performed less than 1 percent of the total hours of labor on the public work is required to pay $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

(2) For a contract to perform vertical construction on a public work on or after January 1, 2019:

(I) A contractor or subcontractor for whom apprentices performed 4 percent or more, but less than 7 percent, of the total hours of labor on the public work that failed to comply with the criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, as applicable, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable, is required to pay a monetary penalty of not less than $2 but not more than $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with the requirements of subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(II) A contractor or subcontractor for whom apprentices performed 2 percent or more, but less than 4 percent, of the total hours of labor on the public work is required to pay $4 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with subsection
1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

(III) A contractor or subcontractor for whom apprentices performed less than 2 percent of the total hours of labor on the public work is required to pay $6 for each hour of labor by which the contractor or subcontractor, as applicable, failed to comply with subsection 1 or of any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, as applicable.

8. In determining the amount of the monetary penalty imposed on a contractor or subcontractor pursuant to this subparagraph, the Labor Commissioner shall consider all relevant facts and circumstances, including, without limitation, the amount by which the contractor or subcontractor failed to comply with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, and whether the contractor or subcontractor has willfully or repeatedly failed to comply with such applicable criteria.

Any decision of the Labor Commissioner pursuant to this paragraph is subject to judicial review pursuant to chapter 233B of NRS.

7. All money which is collected by the Labor Commissioner State Director of Apprenticeship for monetary penalties imposed pursuant to subsection 6 must be distributed only to programs of apprenticeship that are registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(a) Distributed only to programs of apprenticeship that are registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(b) Used only for the recruitment, education and training of construction workers and placement of such workers in employment.

8. The Labor Commissioner shall:

(a) Issue a certificate of compliance containing an identification number to each contractor or subcontractor who complies with the applicable criteria set forth in paragraph (a) of subsection 1 or paragraph (a) of subsection 2, or in any subsequent regulation adopted by the Labor Commissioner pursuant to subsection 9, or who pays the monetary penalty imposed on the contractor or subcontractor pursuant to subsection 6.

(b) Maintain on the Internet website of the Labor Commissioner a list of contractors and subcontractors who have been issued a certificate of compliance.

9. During each calendar year beginning on or after January 1, 2020, the Labor Commissioner may, with the approval of the State Apprenticeship Council, adopt regulations to revise by not more than 2 percentage points the percentage of total hours of labor on a public work which must be performed by apprentices for the following calendar year.

10. As used in this section:

(a) “Apprentice” has the meaning ascribed to it in NRS 610.010.
(b) “Horizontal construction” means the construction of any fixed work other than vertical construction except as specifically provided herein, including, without limitation, fixed work relating to irrigation, drainage, water supply, flood control, a harbor, a railroad, a highway, a tunnel, a sewer, a sewage disposal plant or water treatment facility and any ancillary vertical construction which is a component thereof, a bridge, an inland waterway, a pipeline for the transmission of petroleum or any other liquid or gaseous substance, a pier and any fixed work incidental thereto. The term includes the construction of an airport or airway, but does not include the construction of any terminal or other building of an airport or airway.

c) “Recognized class of worker” means a class of worker recognized by the Labor Commissioner as being a distinct craft or type of work for purposes of establishing prevailing rates of wages pursuant to NRS 338.020 to 338.090, inclusive. The term includes a class of worker for which the Labor Commissioner has traditionally established a prevailing rate of wages pursuant to NRS 338.020 to 338.090, inclusive, and any other class of worker the Labor Commissioner determines to be a distinct craft or type of work either on his or her own accord or after conducting a hearing pursuant to NRS 338.030.

d) “Vertical construction” means the construction or remodeling of any building, structure or other improvement which is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and any improvement appurtenant thereto.

Sec. 5. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:
1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.
2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.
3. “Contractor” means:
(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.
(b) A design-build team.
4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.
5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.
6. “Design-build team” means an entity that consists of:
(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS;

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to practice landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Division” means the State Public Works Division of the Department of Administration.

9. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to
chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS. NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;
(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
(d) Comply with subsection 5 or 6 of NRS 338.070 [or]
(e) Ensure that an apprentice is used on a public work for the minimum amount of hours of labor required pursuant to section 4 of this act.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;
(b) Coordinates all work performed on the entire project;
(c) Uses his or her own workforce to perform all or a part of the public work; and
(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;
(b) Jails and prisons;
(c) Public roads;
(d) Public highways;
(e) Public streets and alleys;
(f) Public utilities;
(g) Publicly owned water mains and sewers;
(h) Public parks and playgrounds;
(i) Public convention facilities which are financed at least in part with public money; and
(j) All other publicly owned works and property.

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.
18. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:
   (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and
   (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto, that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. “Subcontract” means a written contract entered into between:
   (a) A contractor and a subcontractor or supplier; or
   (b) A subcontractor and another subcontractor or supplier, for the provision of labor, materials, equipment or supplies for a construction project.

20. “Subcontractor” means a person who:
   (a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and
   (b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. “Supplier” means a person who provides materials, equipment or supplies for a construction project.

22. “Wages” means:
   (a) The basic hourly rate of pay; and
   (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 6. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive, and section 4 of this act.

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, except section 4 of this act, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.
3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 6.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864 and section 4 of this act, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:
   (a) Submitted by a responsive and responsible contractor who:
       (1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;
       (2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors’ Board pursuant to subsection 3 or 4; and
       (3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and
   (b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:
       (1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors’ Board pursuant to subsection 3 or 4; or
       (2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,
   shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors’ Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:
   (a) Paid directly, on his or her own behalf:
       (1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including,
without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors’ Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and
(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:
   (a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and
   (b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors’ Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor’s license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor’s license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor’s license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors’ Board for a certificate of eligibility to receive a preference in bidding on public works:
   (a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or
   (b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.
11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors’ Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

   (a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

   (b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6.7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446 [and section 4 of this act], a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

   (a) Submitted by a contractor who:

      (1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

      (2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works
issued to the contractor by the State Contractors’ Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors’ Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors’ Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.
4. The State Contractors’ Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:
   (a) Paid directly, on his or her own behalf:
      (1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;
      (2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or
      (3) Any combination of such sales and use taxes and governmental services tax; or
   (b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:
      (1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and
      (2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:
   (a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and
   (b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors’ Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor’s license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.
7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor’s license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor’s license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors’ Board for a certificate of eligibility to receive a preference in bidding on public works:
   (a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or
   (b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors’ Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:
   (a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and
   (b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.
14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 6.8. Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.85 and 6.9 of this act.

Sec. 6.85. 1. A program shall submit a quarterly report to the State Apprenticeship Council which contains the following information:
   (a) The number of apprentices enrolled in the program;
   (b) The enrollment capacity of the program; and
   (c) The number of apprentices who completed the program in the period covered by the report.

2. Not later than February 1, 2021, the State Apprenticeship Council shall submit to the Director of the Legislative Counsel Bureau a report on the availability and use of apprentices for transmission to the next regular session of the Legislature. The report must include a summary of the information collected by the State Apprenticeship Council and any recommendations for legislation.

Sec. 6.9. 1. If, at any time, the number of apprentices enrolled in a program is less than 40 percent of the enrollment capacity of the program, the program must submit to the State Apprenticeship Council:
   (a) A strategic plan to recruit and retain apprentices; and
   (b) A monthly report concerning the progress of the program in recruiting and retaining apprentices until such time as the State Apprenticeship Council determines that such monthly reports are not necessary.

2. The State Apprenticeship Council may revoke the registration of a program that fails to comply with any requirement of subsection 1.

Sec. 7. [The amendatory provisions of this act do not apply to a contract for a public work that is awarded before February 1, 2019.] (Deleted by amendment.)

Sec. 8. This act becomes effective on January 1, 2018.
Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 360.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 880.

SENATORS CANNIZZARO, FORD, SPEARMAN, WOODHOUSE, RATTI; ATKINSON, CANELA, DENIS, FARLEY, MANENDO, PARKS AND SEGERBLOM

JOINT SPONSORS: ASSEMBLYMEN JOINER, FRIERSON, BENITEZ-THOMPSON, CARRILLO, DIAZ; ARAUJO, CARLTON, FUMO, JAUREGUI, MONROE-MORENO, SWANK AND YEAGER

AN ACT relating to the protection of certain persons; revising [the definitions of the terms “abuse” and “exploitation” as they relate to prohibited acts] provisions relating to the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against an older person or a vulnerable person; revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for [committing certain subsequent acts against] the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; establishing the Wards’ Bill of Rights; requiring each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to perform certain actions to ensure the Wards’ Bill of Rights is available to the public; establishing provisions relating to certain arbitration clauses included in contracts used by facilities for long-term care; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law [defines various terms for purposes of the provisions of law relating to the abuse, neglect, exploitation, isolation or abandonment of] provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against an older person or a vulnerable person [ ], and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. (NRS 200.5092, 193.167) Section 1.5 of this bill [revises the definitions of the terms “abuse” and “exploitation” to include additional acts which constitute an offense] additionally provides that the sentence prescribed must not exceed the sentence imposed for the crime or criminal violation.
Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to the licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5096)

Section 2 of this bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. (NRS 200.5099) Section 3 of this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. Section 3 also revises the penalties for [certain offenses relating to] the abuse, neglect [or exploitation], isolation or abandonment of an older person or a vulnerable person and provides that: (1) the commission of a first offense is punishable as a category C felony or a gross misdemeanor, as determined by the court; and (2) the commission of a second or subsequent offense is punishable as a category B felony. Section 3 additionally revises the penalties for the exploitation of an older person or a vulnerable person and provides that a person who commits such an offense is guilty of: (1) either a category C felony or gross misdemeanor, as determined by the court, for the first offense, or if the monetary value involved is less than $650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses, or if the monetary value is $650 or more.

Existing law also establishes the penalties to be imposed upon a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person. Such a person must be punished for a gross misdemeanor for the first offense and for a category C felony for the second or subsequent offense. (NRS 200.50995) Section 3.5 of this bill increases the penalty for the commission of a second or subsequent offense to a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not less than 20 years.
Existing law establishes provisions governing the appointment of a guardian for a ward. (Chapter 159 of NRS) Section 6 of this bill establishes the Wards’ Bill of Rights, which sets forth certain specific rights of wards. Section 7 of this bill requires each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to: (1) make the Wards’ Bill of Rights readily available to the public; (2) maintain a copy of the Wards’ Bill of Rights in the court for reproduction and distribution to the public; and (3) ensure that the Wards’ Bill of Rights is posted in a conspicuous place in the court and on the court’s Internet website.

Section 7.5 of this bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum.

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

Section 1. [NRS 200.5092 is hereby amended to read as follows.]

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:
1. “Abandonment” means:
(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or
(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.
2. “Abuse” means willful:
(a) Infliction of pain or injury on an older person or a vulnerable person;
(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;
(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:
(1) Threatening, controlling or socially isolating the older person or vulnerable person;
(2) Disregarding the needs of the older person or vulnerable person; or
(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;
(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:
(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or
(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or
(c) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person [ ]; or
(f) Permitting an older person or a vulnerable person to be placed in a situation in which any of the acts described in paragraphs (a) to (d), inclusive, are likely to occur.
3. “Exploitation” means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:
(a) Obtain control, through deception, intimidation or undue influence, over the older person’s or vulnerable person’s money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property [ ]; or
(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property [ ]; or
(c) Deny adequate food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

As used in this subsection, “undue influence” means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. “Isolation” means preventing an older person or a vulnerable person from having contact with another person by:
(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;
(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or
(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act
performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. “Neglect” means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. “Older person” means a person who is 60 years of age or older.

7. “Protective services” means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons. The services may include:
(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and
(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. “Vulnerable person” means a person 18 years of age or older who:
(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 1.5. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:
(a) Murder;
(b) Attempted murder;
(c) Assault;
(d) Battery;
(e) Kidnapping;
(f) Robbery;
(g) Sexual assault;
(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;
(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or
(j) Taking money or property from the person of another, against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.
2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:
   (a) The facts and circumstances of the crime or criminal violation;
   (b) The criminal history of the person;
   (c) The impact of the crime or criminal violation on any victim;
   (d) Any mitigating factors presented by the person; and
   (e) Any other relevant information.
   The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section [must run]:
   (a) Must not exceed the sentence imposed for the crime or criminal violation; and
   (b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, “vulnerable person” has the meaning ascribed to it in NRS 200.5092.

Sec. 2. NRS 200.5096 is hereby amended to read as follows:

200.5096 [Immunity]

1. Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:
   (a) Participates in the making of a report;
   (b) Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or
   (c) Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. The immunity provided in subsection 1 does not extend to any person who has:
(a) Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;

(b) Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or

(c) Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.

Sec. 3. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

1. A category C felony and shall be punished as provided in NRS 193.130; or

2. A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For any the second and all subsequent offenses or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering;

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect;

is guilty:

(a) For the first offense, of either of the following, as determined by the court:

1. A category C felony and shall be punished as provided in NRS 193.130; or
(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished:

(a) For the first offense, if the value of any money, assets and property obtained or used:

(i) Is less than $650, for a gross of either of the following, as determined by the court:

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

(ii) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(iii) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment;

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished:

(a) For the first offense, of either of the following, as determined by the court:
(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment, unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor; and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For any the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000; unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) “Allow” means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has
reason to know that the older person or vulnerable person is being abused or neglected.

(b) “Permit” means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) “Substantial mental harm” means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 3.5. NRS 200.50995 is hereby amended to read as follows:

200.50995 1. A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

(a) For the first offense, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, for a category C felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

2. Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

Sec. 4. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. This section and section 6 of this act may be cited as the Wards’ Bill of Rights.

Sec. 6. 1. The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed ward has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each ward has the right to:

(a) Have an attorney at any time during a guardianship to ask the court for relief.

(b) Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the ward lacks the capacity to comprehend such notice.

(c) Receive a copy of all documents filed in a guardianship proceeding.

(d) Have a family member, an interested party, a person of natural affection, an advocate for the ward or a medical provider speak or raise any issues of concern on behalf of the ward during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian. As used in this paragraph, “person of natural affection” means a person who is not a family member of a ward but who
shares a relationship with the ward that is similar to the relationship between family members.

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

(f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and determining his or her residence and the manner in which he or she will receive services.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

(h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

(i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver’s license.

(k) Be treated with respect and dignity.

(l) Be treated fairly by his or her guardian.

(m) Maintain privacy and confidentiality in personal matters.

(n) Receive telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular correspondence or a particular visitor will cause harm to the ward.

(o) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

(p) Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

(q) Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

(r) Receive and control his or her salary, maintain a bank account and manage his or her personal money.

(s) Ask the court to:

1. Review the management activity of a guardian if a dispute cannot be resolved.

2. Continually review the need for a guardianship or modify or terminate a guardianship.
(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

2. The rights of a ward set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.

Sec. 7. Each court shall:
1. Make the Wards’ Bill of Rights readily available to the public;
2. Maintain a copy of the Wards’ Bill of Rights in the court for reproduction and distribution to the public; and
3. Ensure that the Wards’ Bill of Rights is posted:
   (a) In a conspicuous place, in at least 12-point type, in the court; and
   (b) On the Internet website of the court.

Sec. 7.5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract and:
   (a) Be printed in large font on a separate page with a separate signature line;
   (b) Fully explain the effect of signing the addendum, including, without limitation, that any dispute will be resolved through the arbitration process instead of in court; and
   (c) Clearly state that the person signing the contract is not required to sign the addendum.

2. As used in this section, “facility for long-term care” means:
   (a) A residential facility for groups;
   (b) A facility for intermediate care;
   (c) A facility for skilled nursing;
   (d) A home for individual residential care; and
   (e) Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. 1. This section becomes effective upon passage and approval.
2. Sections 4 to 7, inclusive, and 8 of this act become effective:
   (a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and
   (b) On January 1, 2018, for all other purposes.
3. Sections 1, 2 and 3 to 3.5, inclusive, and 7.5 of this act become effective on October 1, 2017.
Assemblyman Yeager moved the adoption of the amendment.  
Remarks by Assemblyman Yeager.  
Amendment adopted.  
Bill ordered reprinted, reengrossed and to third reading.  

Assembly Bill No. 206.  
Bill read third time.  
The following amendment was proposed by the Committee on Commerce and Labor:  
Amendment No. 817.  
AN ACT relating to renewable energy; declaring the policy of this State concerning renewable energy; requiring an assessment of technically feasible and economically viable pathways for achieving the goals in the policy to be included in the comprehensive state energy plan; requiring the comprehensive state energy plan to be updated at least once every 2 years; revising the portfolio standard for providers of electric service in this State; revising the manner in which providers of electric service may comply with the portfolio standard; expanding the definition of “provider of electric service” for the purposes of the portfolio standard; requiring the Public Utilities Commission of Nevada to revise any existing portfolio standard applicable to a provider of new electric resources to comply with the portfolio standard established by this act; and providing other matters properly relating thereto.  
Legislative Counsel’s Digest:  
Section 2 of this bill sets forth findings and declarations of the Legislature that it is the policy of this State to: (1) encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; and (2) become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2040 an amount of renewable energy production of at least 80 percent of the electricity sold by providers of electric service in this State.  
[Existing law requires the Director of the Office of Energy to prepare a comprehensive state energy plan which, in part, provides for the promotion of the use of renewable energy and the use of energy conservation and energy efficiency measures. (NRS 701.190) Section 1 of this bill requires the Director to update the comprehensive state energy plan at least once every 2 years and to include in the plan provisions for the assessment of technically feasible and economically viable pathways for achieving by 2040 the goal of generating or acquiring an amount of annual renewable energy production of at least 80 percent of the electricity sold by providers of electric service in this State. Section 1 also requires the Director to submit to the Governor and the Legislature a biennial report of the most recent update to the comprehensive state energy plan.  
Existing law requires the Public Utilities Commission of Nevada to establish a portfolio standard which requires each provider of electric service
in this State to generate, acquire or save electricity from renewable energy systems or efficiency measures a certain percentage of the total amount of electricity sold by the provider to its retail customers in this State during a calendar year. (NRS 704.7821) **Section 3** of this bill revises the portfolio standard for calendar year 2018 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire or save electricity from renewable energy systems or efficiency measures not less than 50 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year. **Section 3** also: (1) eliminates the requirement that a minimum percentage of the amount of electricity that the provider is required to generate, acquire or save be generated or acquired from solar renewable energy systems; (2) revises, for the purposes of compliance with the portfolio standard, the provisions governing the calculation of the total amount of electricity sold by a provider to its retail customers in this State. **Sections 1.5, 1.7, 2.2 and 2.7** of this bill provide for qualified energy storage systems to be used for compliance with the portfolio standard. **Section 3** limits the use of such qualified energy storage systems to not more than 10 percent of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems. **Sections 2.1 and 2.9** of this bill limit the facilities or energy systems that qualify as a renewable energy system for the purposes of the portfolio standard. **Section 2.3 and 4.3** of this bill revise provisions governing the use of geothermal energy to comply with the portfolio standard. **Section 2.8** of this bill expands the definition of “provider of electric service” for the purposes of compliance with the portfolio standard. **Sections 2.5 and 4.7** of this bill provide that these additional entities which are providers of electric service for the purposes of the portfolio standard are not subject to the jurisdiction of the Commission and are not required to provide certain reports to the Commission. **Sections 2.4 and 7** of this bill provide that these additional entities must, beginning on July 1, 2020, and each year thereafter, provide reports to the Director of the Office of Energy. **Sections 3 and 4** of this bill provide that the portfolio standard established by NRS 704.7821 is applicable to providers of new electric resources, and **Section 5** of this bill requires the Commission, before July 1, 2017, to revise any certain portfolio standard established for a provider of new electric resources to comply with the revised portfolio standard established by **section 3**.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701.190 is hereby amended to read as follows:

701.190 1. The Director shall prepare a comprehensive state energy plan which provides for the promotion of:
   (a) Energy projects that enhance the economic development of the State;
   (b) The use of renewable energy;
   (c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; and
   (d) A program for the safe disposal and recycling of electronic waste, electrical equipment and other waste, including, without limitation, a program for the safe disposal and recycling of compact fluorescent light bulbs.

2. The comprehensive state energy plan must be updated at least once every 2 years and include provisions for:
   (a) The assessment of technically feasible and economically viable pathways for providers of electric service within this State to achieve by 2040 the goal of generating or acquiring an amount of annual renewable energy production equal to at least 80 percent of the total amount of electricity sold by providers of electric service in this State. The Director may consult with, contract with or employ one or more knowledgeable and independent third parties to assist in the preparation of the assessment required by this paragraph.
   (b) The assessment of the potential benefits of proposed energy projects on the economic development of the State.
   (c) The education of persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
   (d) The creation of incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
   (e) Grants and other money to establish programs and conduct activities which promote:
      (1) Energy projects that enhance the economic development of the State;
      (2) The use of renewable energy;
      (3) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; and
      (4) The recycling of electronic waste, electrical equipment and other waste, including, without limitation, a program for the safe disposal and recycling of compact fluorescent light bulbs.
   (f) The development or incorporation by reference of model and uniform building and energy codes and standards which are written in
language that is easy to understand and which include performance standards for conservation of energy and efficient use of energy.

[(f)] The promotion of the development in this State of a curriculum for a program of renewable energy education and recycling education in kindergarten through grade 12.

[(g)] The promotion of the development by institutions of higher education in this State of research and educational programs relating to renewable energy.

[(h)] Oversight and accountability with respect to all programs and activities described in this subsection.

[(i)] Any other matter that the Director determines to be relevant to the issues of energy resources, energy use, energy conservation and energy efficiency.

3. The Director shall, on or before November 30 of each even-numbered year, prepare a report concerning the most recent version of the comprehensive state energy plan and submit it to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature. (Deleted by amendment.)

Sec. 1.3. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 2.5, inclusive, of this act.

Sec. 1.5. “Energy storage system” means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.

Sec. 1.7. “Qualified energy storage system” means an energy storage system that is used to:

1. Store electricity which is generated by renewable energy and which is delivered during a peak load period; or
2. Provide ancillary services for integrating electricity which is generated by renewable energy into the electricity grid. Such ancillary services include, without limitation, providing reserve electricity, reserve capacity, frequency regulation, reactive power and voltage support.

Sec. 2. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature finds and declares that it is the policy of this State to:

1. Encourage and accelerate the development of new renewable energy projects for the economic, health and environmental benefits provided to the people of this State; and
2. Become a leading producer and consumer of clean and renewable energy, with a goal of achieving by 2040 an amount of renewable energy production equal to at least 80 percent of the total amount of electricity sold by providers of electric service in this State.

Sec. 2.1. The Legislature finds and declares that the requirements set forth in this section are necessary to ensure that the benefits of the increased use of renewable energy systems are received by the residents of
this State. Such benefits include, without limitation, improved air quality, reduced water use, a more diverse portfolio of resources for generating electricity, reduced fossil fuel consumption and more stable rates for retail customers of electricity.

2. To qualify as a renewable energy system for the purposes of paragraph (b) of subsection 1 of NRS 704.7815, a facility or energy system must:
   (a) Have its first point of interconnection with:
      (1) A Nevada balancing authority;
      (2) A distribution facility which serves retail customers located within an area controlled by a Nevada balancing authority; or
      (3) An entity described in paragraph (a), (b), (c), (d) or (e) of subsection 3 of NRS 704.7808;
   (b) Subject to the limitations set forth in subsection 3, generate electricity that is scheduled for transmission or distribution into a Nevada balancing authority without substitution of electricity from another source; or
   (c) Generate electricity that is dynamically transferred into a Nevada balancing authority.

3. For the purpose of determining whether a facility or energy system qualifies as a renewable energy system pursuant to paragraph (b) of subsection 2, electricity may be substituted from another source if:
   (a) Both:
      (1) The substitution is limited to the amount of electricity from another source which is required to provide ancillary services necessary to maintain the scheduled transmission or distribution of electricity into the Nevada balancing authority; and
      (2) The amount of electricity substituted pursuant to paragraph (a) is not included in the amount of electricity generated by the facility or energy system; or
   (b) Both:
      (1) The substitution is limited to the amount of electricity from another source which is required for firming and shaping the electricity that is scheduled for transmission or distribution into the Nevada balancing authority; and
      (2) The electricity which is substituted is incremental electricity.

4. As used in this section, “Nevada balancing authority” means an entity:
   (a) With control over the electricity loads and electricity resources for an area which includes the majority of the territory of this State;
   (b) Which maintains in real time the balance between electricity loads and electricity resources within the area the entity controls; and
   (c) Is responsible for keeping the actual interchange of electricity equal to the scheduled interchange of electricity for the area the entity controls.
Sec. 2.2. 1. Subject to the limitations set forth in this section and paragraph (b) of subsection 2 of NRS 704.7821, for the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.0 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity delivered by or acquired from a qualified energy storage system, if the owner or operator of the qualified energy storage system demonstrates to the Commission:

(a) For the purposes of subsection 1 of section 1.7 of this act, that the electricity:

(1) Stored in the qualified energy storage system was generated by renewable energy; and

(2) Delivered by the qualified energy storage system was delivered during a peak load period.

(b) For the purposes of subsection 2 of section 1.7 of this act, that the ancillary services provided by the qualified energy storage system were used to integrate into the grid electricity which was generated by renewable energy.

2. For the purposes of subsection 1, a provider shall not be deemed to have generated or acquired more than 2.0 kilowatt-hours of electricity from a renewable energy system per day for each 1.0 kilowatt-hour of installed capacity of the qualified energy storage system.

3. For the purposes of subsection 1, the owner or operator of the qualified energy storage system must make his or her demonstration to the Commission using the operating algorithms, rules and schedules and market participation of the qualified energy storage system, to the extent applicable.

Sec. 2.3. For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 1.5 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a portfolio energy system that generates electricity from geothermal energy, if the system was placed into operation on or after January 1, 2018.

Sec. 2.4. A provider of electric service described in subsection 3 of NRS 704.7808 shall, on or before July 1 of each year, submit to the Director of the Office of Energy appointed pursuant to NRS 701.150 a report which contains the information described in subsection 4 of NRS 704.7825.

Sec. 2.5. Notwithstanding any provision of law to the contrary, a provider of electric service described in subsection 3 of NRS 704.7808 is not subject to the jurisdiction of the Commission.

Sec. 2.6. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, and sections 1.5 to 2.5, inclusive, of this act unless the context otherwise requires, the
words and terms defined in NRS 704.7802 to 704.7819, inclusive, and sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.

Sec. 2.7. NRS 704.7804 is hereby amended to read as follows:

704.7804 “Portfolio energy system or efficiency measure” means:
1. Any renewable energy system:
   (a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or
   (b) Placed into operation on or after July 1, 1997;
2. Any energy efficiency measure installed on or before December 31, 2019; or
3. Any qualified energy storage system.

Sec. 2.8. NRS 704.7808 is hereby amended to read as follows:

704.7808 1. “Provider of electric service” and “provider” mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.
2. The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this State pursuant to the provisions of chapter 704B of NRS.
3. Except as otherwise provided in this subsection, the term does not include:
   (a) This State or an agency or instrumentality of this State.
   (b) A rural electric cooperative established pursuant to chapter 81 of NRS.
   (c) A general improvement district established pursuant to chapter 318 of NRS.
   (d) A utility established pursuant to chapter 709 or 710 of NRS.
   (e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.
4. The term does not include:
   (a) A landlord of a manufactured home park or mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.
   (b) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

Sec. 2.9. NRS 704.7815 is hereby amended to read as follows:
704.7815 “Renewable energy system” means:
1. A facility or energy system that uses renewable energy or energy from a qualified energy recovery process to generate electricity and:
   (a) Uses the electricity that it generates from renewable energy or energy from a qualified recovery process in this State; or
   (b) [Transmit] Satisfies the requirements of section 2.1 of this act and transmits the electricity that it generates from renewable energy or energy from a qualified energy recovery process to a provider of electric service for delivery into and use in this State.
2. A solar energy system that reduces the consumption of electricity or any fossil fuel.
3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 3. NRS 704.7821 is hereby amended to read as follows:
704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. [The] Except as otherwise provided in subsection 8, the portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:
   (a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (f) For calendar years 2015 through [2019,] 2017, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (g) For calendar years [2020 through 2021, inclusive,] 2018 and 2019, not less than [22, 24] percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
   (h) For calendar years 2020 and 2021, not less than [28] percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.
(i) For calendar years 2022 and 2023, not less than 32 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(j) For calendar years 2024 and 2025, not less than 36 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(k) For calendar years 2026 and 2027, not less than 40 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(l) For calendar years 2028 and 2029, not less than 46 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(m) For calendar years 2022 through 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year 2015 to 2019, inclusive, not more than 20 percent of that amount may be based on energy efficiency measures;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year 2015 to 2019, inclusive, not more than 20 percent of that amount may be based on energy efficiency measures;

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures:
measures, for calendar year 2018 and each calendar year thereafter, not more than 10 percent of that amount may be based on qualified energy storage systems.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

1. The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

2. The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.
(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. [Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.] For the purposes of subsection 1, for calendar year 2018 and for each calendar year thereafter, the total amount of electricity sold by a provider:
   (a) Described in subsection 3 of NRS 704.7808 to its retail customers in this State during a calendar year does not include the first 1,000,000 megawatt-hours of electricity sold by the provider to such customers during that calendar year.
   (b) To its retail customers in this State during a calendar year does not include the amount of electricity sold by the provider as part of a program of optional pricing authorized by the Commission pursuant to NRS 704.738.

9. As used in this section:
   (a) “Energy efficiency contract” means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.
   (b) “Renewable energy contract” means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.
   (c) “Terms and conditions” includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 4. NRS 704.78213 is hereby amended to read as follows:
704.78213 1. If the Commission issues an order approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer, the Commission must establish in the order a portfolio standard applicable to the electricity sold by the provider of new electric resources to the eligible customer in accordance with the order. The portfolio standard must require the provider of new electric resources to generate, acquire or save electricity from portfolio energy systems or efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.78213, which is effective on the date on which the order approving the application or request is approved.]
2. Except as otherwise provided in this subsection, of the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures. Subject to the provisions of paragraphs (a) and (b), the provisions of this subsection apply to an order of the Commission approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer only if the order is issued by the Commission before July 1, 2017. If such an order was issued by the Commission:

(a) Before July 1, 2012, the provisions of this subsection apply for all calendar years.

(b) On or after July 1, 2012, and before July 1, 2017, the provisions of this subsection apply only for calendar years before calendar year 2025.

3. If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. As used in this section:

(a) “Eligible customer” has the meaning ascribed to it in NRS 704B.080.

(b) “Provider of new electric resources” has the meaning ascribed to it in NRS 704B.130.

Sec. 4.3. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy
system on or before December 31, 2012. For the purposes of this subsection, the amount of any electricity used by a portfolio energy system for its basic operations:

(a) Except as otherwise provided in paragraph (b), includes electricity used for the heating, lighting, air-conditioning and equipment of a building located on the site of the portfolio energy system, and for operating any other equipment located on such site.

(b) **If the portfolio energy system is placed into operation on or before December 31, 2017, does not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine or used to pump or compress geothermal brine.**

Sec. 4.7. **NRS 704.7825 is hereby amended to read as follows:**

704.7825 1. Each provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.

2. Each provider shall submit the annual report to the Commission after the end of each calendar year and within the time prescribed by the Commission. The report must be submitted in a format approved by the Commission.

3. The Commission may adopt regulations that require providers to submit to the Commission additional reports during each calendar year.

4. Each annual report and each additional report must include clear and concise information that sets forth:

(a) The amount of electricity which the provider generated, acquired or saved from portfolio energy systems or efficiency measures during the reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;

(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;

(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event;

(d) Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and

(e) Any other information that the Commission by regulation may deem relevant.

5. Based on the reports submitted by providers pursuant to this section, the Commission shall compile information that sets forth whether any provider has used energy efficiency measures to comply with its portfolio standard and, if so, the type of energy efficiency measures used and the
amount of energy savings attributable to each such energy efficiency measure. The Commission shall report such information to:

(a) The Legislature, not later than the first day of each regular session; and

(b) The Legislative Commission, if requested by the Chair of the Commission.

6. The provisions of this section do not apply to a provider of electric service described in subsection 3 of NRS 704.7808.

Sec. 5. Notwithstanding the provisions of any other law or any ruling or order issued by or portfolio standard established by the Public Utilities Commission of Nevada to the contrary, for any portfolio standard established by the Commission pursuant to the provisions of subsection 1 of NRS 704.78213, as that section existed before July 1, 2017, on or after July 1, 2012, and before July 1, 2017, the Commission shall, for the period beginning on July 1, 2017, calendar year 2018 and for each calendar year thereafter, revise the portfolio standard to require the provider of new electric resources as defined in NRS 704B.130 to generate, acquire or save electricity from portfolio energy systems or energy efficiency measures in the amounts described in the portfolio standard set forth in NRS 704.7821, as amended by section 3 of this act.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature. (Deleted by amendment.)

Sec. 7. 1. This section and sections 1 to 2.3, inclusive, and 2.5 to 6, inclusive, of this act become effective on July 1, 2017.

2. Section 2.4 of this act becomes effective on July 1, 2020.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 206 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblyman Brooks.

ASSEMBLYMAN BROOKS:

Assembly Bill 206 revises the portfolio standard for calendar year 2018 and each calendar year thereafter so that by calendar year 2030 and for each calendar year thereafter, each provider of electric service will be required to generate, acquire, or save electricity from renewable
energy systems or efficiency measures not less than 50 percent of the total amount of electricity sold by the provider to its retail customers during that calendar year. The bill eliminates the minimum percentage required to be generated or acquired from solar renewable energy systems and revises, for the purposes of complying with the portfolio standard, certain provisions relating to the calculation of the total amount of electricity sold by a provider to retail customers in this state. The measure also modifies the qualifications of a renewable energy system for purposes of the portfolio standard.

Additionally, A.B. 206 allows certain providers of new electric resources to satisfy up to 25 percent of their portfolio standard requirement using energy efficiency measures. It further allows energy storage systems to generate credits that can be used for compliance with the portfolio standard; electricity providers subject to the portfolio standard can only use storage systems to meet 10 percent of their compliance obligation. Assembly Bill 206 also makes changes to the way geothermal plants gain portfolio energy credits.

Finally, A.B. 206 requires certain providers of electric service to submit annual reports demonstrating progress toward compliance with the portfolio standard to the Director of the Office of Energy. It requires the PUCN to revise certain portfolio standards established for a provider of new electric resources to comply with the revised portfolio standard.

Roll call on Assembly Bill No. 206.

YEAS—30.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 912.

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. To release such information to a school district, a director of juvenile services or the Youth Parole Bureau must enter into a written agreement with the school district for the sharing of the information. (NRS 62H.025) This bill: (1) revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include a law enforcement agency engaged in a criminal investigation or delinquency proceeding or involved in a situation concerning a child who is a threat to himself or herself or to the safety of others; and (2) authorizes a director of juvenile services and the Youth Parole Bureau to release information to a school district only if the written agreement with the school
district provides for the sharing of data from the educational record of the child.

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

Section 1. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;
(b) The Chief of the Youth Parole Bureau or his or her designee;
(c) A district attorney or his or her designee;
(d) An attorney representing the child;
(e) The director of a state agency which administers juvenile justice or his or her designee;
(f) A director of a state, regional or local facility for the detention of children or his or her designee;
(g) The director of an agency which provides child welfare services or his or her designee;
(h) A guardian ad litem or court appointed special advocate who represents the child;
(i) A parent or guardian of the child;
(j) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
(k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information and data from an educational record of a child maintained by the school district for a purpose consistent with the purposes of this section;
(l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;
(m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or
(n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order; or
(o) A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others.

3. A juvenile justice agency may deny a request for juvenile justice information if:
   (a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or
   (b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.
   A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:
   (a) Educational services;
   (b) Social services;
   (c) Mental health services;
   (d) Medical services; or
   (e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:
   (a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or
   (b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:
   (a) “Juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.
   (b) “Juvenile justice information” means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 2. This act becomes effective [on July 1, 2017] upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 472.
Bill read third time.

The following amendment was proposed by Assemblyman Yeager:
Amendment No. 911.

AN ACT relating to crimes; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. (NRS 62F.220, 179D.0559, 179D.095) In addition, existing law prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. (NRS 62F.260) Sections 18, 19 and 22 of this bill remove and repeal those provisions, and sections 4-14 of this bill enact provisions governing the registration and community notification of juvenile sex offenders.

Sections 5 and 8 include certain offenses, called “aggravated sexual offenses,” in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. Section 9 provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense must: (1) register as a sex offender with the juvenile court, the juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. Section 9 also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency if the child runs away or otherwise leaves the placement for the child approved by the juvenile court.

Under section 10, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child and his or her parent or guardian that the child is subject to certain requirements for registration and community notification applicable to sex offenders. Section 10 further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child from the requirement to register as a
sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.

Section 11 provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements for community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under section 11, the judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. Section 11 further authorizes the judge to reconsider its decision on a motion after considering certain factors. Finally, if the judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

Section 12 requires a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the judge must relieve the child from the requirement for registration and community notification as a sex offender. However, if the judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders.

Section 13 provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 11 and 12.

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

Section 1. NRS 62A.030 is hereby amended to read as follows:

62A.030  1. “Child” means:
(a) A person who is less than 18 years of age;
(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or
(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of [NRS 62F.200, 62F.220 and 62F.260,] sections 4 to 14, inclusive, of this act.
2. The term does not include:
(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;
(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or
(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.
Sec. 2. NRS 62B.410 is hereby amended to read as follows:
62B.410 Except as otherwise provided in NRS 62F.110 and sections 10 and 12 of this act, if a child is subject to the jurisdiction of the juvenile court, the juvenile court:
1. May terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or
2. May retain jurisdiction over the child until the child reaches 21 years of age.
Sec. 3. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.
Sec. 4. As used in sections 4 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.
Sec. 5. “Aggravated sexual offense” means:
1. Battery with intent to commit sexual assault pursuant to NRS 200.400;
2. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is listed in NRS 179D.097;
3. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is listed in NRS 179D.097;
4. An offense listed in NRS 179D.097, if the offense is subject to the additional penalty set forth in NRS 193.165;
5. An offense listed in NRS 179D.097, if the offense results in substantial bodily harm to the victim;
6. Any sexual offense if the juvenile has previously been adjudicated delinquent, or placed under the supervision of the juvenile court pursuant to NRS 62C.230, for a sexual offense; or
7. An attempt or conspiracy to commit an offense listed in this section.
Sec. 6. “Community notification” means notification of a community pursuant to the provisions of NRS 179D.475.
Sec. 7. “Community notification website” has the meaning ascribed to it in NRS 179B.023.
Sec. 8. 1. “Sexual offense” means:
(a) Sexual assault pursuant to NRS 200.366;
(b) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
(c) Lewdness with a child pursuant to NRS 201.230;
(d) An attempt or conspiracy to commit an offense listed in paragraph (a), (b) or (c), if punishable as a felony;
(e) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193; or
(f) An aggravated sexual offense.
2. The term does not include an offense involving consensual sexual conduct if the victim was:
   (a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or
   (b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 9. 1. Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and who was 14 years of age or older at the time of the commission of the unlawful act shall:
   (a) Register initially, as required by NRS 179D.445, with the juvenile court, the director of juvenile services or the Youth Parole Bureau in the jurisdiction in which the child was adjudicated, as determined by the juvenile court; and
   (b) Not later than 48 hours after a change of his or her name, residence or employment or student status, the issuance of or a change to the driver’s license or identification card issued to the child by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the child, if any, update the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, of such a change.

2. The juvenile court shall order the parent or guardian of a child who is subject to the requirements of subsection 1 to:
   (a) Ensure that while the child is subject to the jurisdiction of the juvenile court, the child complies with the requirements of subsection 1; and
   (b) If the child runs away or otherwise leaves the placement for the child approved by the juvenile court, inform the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, that the child has run away or otherwise left the placement and, if appropriate, make a report to the local law enforcement agency of the jurisdiction in which the child was placed.

3. The juvenile court, director of juvenile services or Youth Parole Bureau, as applicable, shall immediately provide the information provided by a child or the parent or guardian of a child pursuant to subsection 1 or 2 to the Central Repository.

Sec. 10. 1. In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by
an adult and was 14 years of age or older at the time of the commission of the unlawful act, the juvenile court shall:

(a) Notify the Central Repository of the adjudication so that the Central Repository may carry out the provisions for registration and community notification of the child pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act.

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act.

2. The juvenile court may not terminate its jurisdiction over the child for the purposes of carrying out the provisions of sections 4 to 14, inclusive, of this act until the juvenile court, pursuant to section 12 of this act, has relieved the child from being subject to the requirements for registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, or ordered that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 11. 1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, upon a motion by a child, the juvenile court may exempt the child from community notification or exclude the child from placement on the community notification website, or both, if the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. The juvenile court shall not exempt a child from community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.

2. At the hearing held on a motion pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The family controls in place over the child.

(c) The plan for providing counseling, therapy or treatment to the child.

(d) The history of the child with the juvenile court, including, without limitation, reports concerning any unlawful acts which the child has admitted committing, any acts for which the juvenile court placed the child under a supervision and consent decree pursuant to NRS 62C.230 and any prior adjudication of delinquency or need of supervision.

(e) The results of any psychological or psychiatric profiles of the child and whether those profiles indicate a risk of recidivism.
(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) The impact that registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act will have on the treatment of the child.

(j) Any other factor that the juvenile court finds relevant to the determination of whether the child is likely to pose a threat to the safety of others.

4. If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that the Central Repository may carry out the determination of the juvenile court.

5. Upon good cause shown, the juvenile court may reconsider the granting or denial of a motion pursuant to this section, and reverse, modify or affirm its determination. In determining whether to reverse, modify or affirm its determination, the juvenile court:

(a) Shall consider:

1. The factors set forth in subsection 3;

2. The extent to which the child has received counseling, therapy or treatment and the response of the child to any such counseling, therapy or treatment; and

3. The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(b) Shall not exempt a child from community notification or exclude a child from placement on the community notification website unless the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.

Sec. 12. Except as otherwise provided in sections 4 to 14, inclusive, of this act:

1. If a child has been adjudicated delinquent for a sexual offense, the juvenile court shall hold a hearing when the child reaches 21 years of age, or at a time reasonably near the date on which the child reaches 21 years of age, to determine whether the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. At the hearing pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. If the juvenile court finds by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of
others, the juvenile court may relieve the child from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

4. If the juvenile court does not find by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court shall:
   (a) Order that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive;
   (b) Notify the Central Repository of the adjudication of the child and the determination of the juvenile court that the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, so that the Central Repository may carry out the provisions for registration and community notification pursuant to those sections; and
   (c) Inform the child that he or she is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

5. In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court or is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:
   (a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.
   (b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.
   (c) Whether psychological or psychiatric profiles indicate a risk of recidivism.
   (d) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.
   (e) Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.
   (f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.
   (g) The impact of the unlawful act on the victim and any statements made by the victim.
   (h) The safety of the community and the need to protect the public.
   (i) Any other factor that the juvenile court finds relevant to the determination of whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others.
6. The juvenile court shall file written findings of fact and conclusions of law setting forth the basis and legal support for any decision pursuant to this section.

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, for the period specified in NRS 179D.490.

Sec. 13. 1. The juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 11 and 12 of this act.

2. As used in this section, “master” has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 14. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 15. NRS 62H.110 is hereby amended to read as follows:

62H.110 The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:
1. Information maintained in the standardized system established pursuant to NRS 62H.200;
2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;
3. Records that are subject to the provisions of NRS 62F.260, section 14 of this act; or
4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

Sec. 16. NRS 62H.120 is hereby amended to read as follows:

62H.120 Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, section 14 of this act.

Sec. 17. NRS 179D.035 is hereby amended to read as follows:

179D.035 1. “Convicted” includes, but is not limited to, an adjudication of delinquency by a court having jurisdiction over juveniles if:

1. (a) The adjudication of delinquency is for the commission of a sexual offense that is listed in NRS 62F.200, section 8 of this act; and
2. (b) The offender was 14 years of age or older at the time of the offense.

2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 12 of this act, the court has relieved the juvenile from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.
Sec. 18. NRS 179D.0559 is hereby amended to read as follows:
179D.0559 1. “Offender convicted of a crime against a child” or “offender” means a person who, after July 1, 1956, is or has been:
   (a) Convicted of a crime against a child that is listed in NRS 179D.0357.
   (b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 19. NRS 179D.095 is hereby amended to read as follows:
179D.095 1. “Sex offender” means a person who, after July 1, 1956, is or has been:
   (a) Convicted of a sexual offense listed in NRS 179D.097.
   (b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 20. NRS 179D.450 is hereby amended to read as follows:
179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to section 10 of this act that a juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act, the Central Repository shall:
   (a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or
   (b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:
   (a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and
(b) [Immediately] Except as otherwise provided in section 11 of this act, immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

3. If an offender or sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, before the offender or sex offender is released:
   (a) The Department of Corrections or a local law enforcement agency in whose facility the offender or sex offender is incarcerated or confined shall:
      (1) Inform the offender or sex offender of the requirements for registration, including, but not limited to:
         (I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;
         (II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;
         (III) The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;
         (IV) If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;
         (V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and
         (VI) The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender’s enrollment at an institution of higher education or if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender’s work at an institution of higher education; and
      (2) Require the offender or sex offender to read and sign a form stating that the requirements for registration have been explained and that the offender or sex offender understands the requirements for registration, and to forward the form to the Central Repository.
(b) The Central Repository shall:

(1) Update the record of registration for the offender or sex offender;

(2) [Provide] Except as otherwise provided in section 11 of this act, provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475; and

(3) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide an offender or sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender or sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender or sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the offender or sex offender; and

(c) Immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

Sec. 21. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. An offender convicted of a crime against a child or a sex offender shall comply with the provisions for registration for as long as the offender or sex offender resides or is present within this State or is a nonresident offender or sex offender who is a student or worker within this State, unless the period of time during which the offender or sex offender has the duty to register is reduced pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3 [and section 12 of this act], the full period of registration is:

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender, exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration:

(a) For an interval of at least 10 consecutive years, if the offender or sex offender is a Tier I offender; or

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,
during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

4. If the offender or sex offender satisfies the requirements of subsection 3, the court shall hold a hearing on the petition at which the offender or sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the offender or sex offender satisfies the requirements of subsection 3, the court shall:
   (a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years; and
   (b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

Sec. 22. NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.

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

TEXT OF REPEALED SECTIONS

62F.200 “Sexual offense” defined.
1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, “sexual offense” means:
   (a) Sexual assault pursuant to NRS 200.366;
   (b) Battery with intent to commit sexual assault pursuant to NRS 200.400;
   (c) Lewdness with a child pursuant to NRS 201.230; or
   (d) An attempt or conspiracy to commit an offense listed in this section.
2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.
62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:
   (a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and
   (b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.
Assembly Bill No. 472.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 844.
AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission; prescribing the powers and duties of the Commission; imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children or a public or private institution or agency in another state; requiring departments of juvenile services to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; requiring the Division to consider the results of such an assessment and screening in making decisions concerning the placement of a child; revising
provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child’s violation of his or her terms and conditions of parole; requiring the juvenile court to consider the adherence of the Youth Parole Bureau to such policies and procedures in determining whether to suspend, modify or revoke a child’s parole; revising provisions relating to revocation of a child’s parole; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) Federal law requires a state seeking grant money for the administration of a system of juvenile justice to have a state advisory group that oversees such a system. (42 U.S.C. § 5633(a)(3)) **Section 4** of this bill creates the Juvenile Justice Oversight Commission and designates the Commission as the state advisory group for the purposes of federal law. **Section 5** of this bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool to assist the juvenile court, the Division and each department of juvenile services in determining the appropriate actions to take for children subject to the jurisdiction of the juvenile court and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision; and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools.

**Section 6** of this bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. **Section 7** of this bill requires the members of the Commission to conduct annual quality assurance reviews of each state facility for the detention of children and each regional facility for the treatment and rehabilitation of children, which **section 13.2** of this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity. **Section 7** requires such a quality assurance review to include a review of the facility’s: (1) service delivery; (2) case management procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. **Section 7** also
requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission. Section 7 further requires the Commission to compile all such facility improvement plans and submit the plans to the Governor and the Director of the Legislative Counsel Bureau with its annual review.

Section 8 of this bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. Section 8 also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next fiscal years. Section 9 of this bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and services. Section 9 also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to require the treatment provider to comply with the evidence-based standards developed by the Commission.

Section 10 of this bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. Section 10 requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission’s 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. Section 12 of this bill requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court’s jurisdiction. (Chapter 62E of NRS) Section 15 of this bill requires the department of juvenile services, before the disposition of a child’s case, to conduct a risk assessment and a mental health screening on the child using the validated tools selected by the Commission and, in certain circumstances, a full mental health assessment, and to prepare a report based on the results of the risk assessment, mental health screening and any full mental health assessment as to the most appropriate disposition of the case. Section 16 of this bill requires a
department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the treatment and rehabilitation of children. Section 16 sets forth the information required to be included in each case plan. Section 17 of this bill requires the Division to: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2) develop a case plan for each child committed to the Division for placement in a state facility for the detention of children. Section 14.5 of this bill requires the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children, and section 18 of this bill requires the juvenile court to make certain findings before committing a child to a public or private institution or agency in another state. Sections 20 and 21 of this bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state facility for the detention of children or a regional facility for the treatment and rehabilitation of children are to be conducted.

Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. (NRS 62H.200) Section 25 of this bill revises the types of juvenile justice information required to be submitted to the Division. Section 22 of this bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system’s programs and services. Section 33 of this bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division.

Section 24 of this bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) Section 23 of this bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; (4) the director of a regional facility for the treatment and rehabilitation of children; or (5) the director of an agency which provides mental health services.
Existing law provides for the suspension, modification or revocation of the parole of a child. (NRS 63.770) **Section 26** of this bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. **Section 26** requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. **Section 28** of this bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child. **Section 29** of this bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child’s parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** would not be appropriate for the child.

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

**Section 1.** Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

**Sec. 2.** “Commission” means the Juvenile Justice Oversight Commission established by section 4 of this act.

**Sec. 3.** “Department of juvenile services” means the entity designated pursuant to chapter 62G of NRS to administer the provision of services relating to the delinquency of children.

**Sec. 4. 1.** The Juvenile Justice Oversight Commission is hereby established. The Commission is hereby designated as the state advisory group on juvenile justice required to be established pursuant to 42 U.S.C. § 5633(a)(3).

2. The Commission consists of the Governor or his or her designee and 25 members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members who are members of the Senate, one of whom must be from the majority political party and one of whom must be from the minority political party.

(b) Two members who are members of the Assembly, one of whom must be from the majority political party and one of whom must be from the minority political party.

(c) Two members who are judges of a juvenile court.

(d) The Administrator of the Division of Child and Family Services or his or her designee.

(e) The Deputy Administrator of Juvenile Services of the Division of Child and Family Services or his or her designee.
(f) Three members who are directors of juvenile services, one each of whom must represent a county whose population:
(1) Is less than 100,000.
(2) Is 100,000 or more but less than 700,000.
(3) Is 700,000 or more.
(g) Two members who are district attorneys.
(h) Two members who are public defenders.
(i) One member who is a representative of a law enforcement agency.
(j) Two members who are representatives of a nonprofit organization which provides programs to prevent juvenile delinquency.
(k) One member who is a volunteer who works with children who have been adjudicated delinquent.
(l) Six members who are under the age of 24 years at the time of appointment.

3. At least three of the persons appointed to the Commission pursuant to subsection 2 must be persons who are currently or were formerly subject to the jurisdiction of the juvenile court.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. Nine of the initial members of the Commission who are appointed pursuant to subsection 2 must be appointed to an initial term of 1 year. Each member of the Commission continues in office until his or her successor is appointed.

5. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:
(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Commission; or
(b) Take annual leave or compensatory time for the absence.

8. At the first meeting of the Commission and annually thereafter:
(a) The Governor shall appoint a Chair of the Commission;
(b) The Commission shall elect a Secretary from among its members; and
The Commission shall adopt rules for its own management and government.

9. The Commission shall:
   (a) Hold its first meeting within 60 days after all the initial appointments to the Commission are made pursuant to subsection 2; and
   (b) Meet at least once every 4 months and may meet at such further times as deemed necessary by the Chair.

Sec. 5. In addition to the duties set forth in sections 6 and 7 of this act, the Commission shall:

1. On or before July 1, 2018, establish a uniform procedure for the Division of Child and Family Services, the Youth Parole Bureau and each department of juvenile services to use for developing performance measures to determine the effectiveness of the juvenile justice system, including, without limitation, performance measures for juvenile court referrals and dispositions, supervision of a child subject to the jurisdiction of the juvenile court, services provided by agencies which provide juvenile justice services and rates of recidivism.

2. On or before July 1, 2018, establish standard procedures for measuring outcomes for a child subject to the jurisdiction of the juvenile court, including, without limitation, standard procedures for measuring and reporting rates of recidivism in accordance with NRS 62H.200, and define any necessary terms.

3. On or before January 1, 2018, select:
   (a) A validated risk assessment tool that uses a currently accepted standard of assessment to assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court; and
   (b) A validated mental health screening tool that uses a currently accepted standard of assessment to determine the appropriate actions to take for each child in need of supervision pursuant to this title.

4. Contract with a qualified vendor or provider of technical assistance to assist the Division of Child and Family Services and each department of juvenile services with the implementation of the validated risk assessment tool. Such assistance must include, without limitation, employee training, policy development and the establishment of quality assurance protocols.

Sec. 6. 1. The Commission shall develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services and each department of juvenile services relating to the use of evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. The plan must include, without limitation:
   (a) Uniform standards that an evidence-based practice or program must follow, including, without limitation, model programs, staffing requirements and quality assurance protocols;
(b) Strategies, including, without limitation, measurable goals, timelines and responsible parties, to enhance the capacity of the Division of Child and Family Services and each department of juvenile services to:
   (1) Comply with the evidence-based standards developed by the Commission; and
   (2) Partner with treatment providers that offer evidence-based programs for the treatment of children subject to the jurisdiction of the juvenile court;
   (c) A requirement for the collection and reporting of data to the Commission by each department of juvenile services relating to the programs offered and services rendered by each department; and
   (d) Protocols for improvement and corrective action for:
      (1) A department of juvenile services that does not comply with the reporting requirements established pursuant to paragraph (c); and
      (2) A treatment provider that does not comply with the evidence-based standards established by the Commission.

2. The Division of Child and Family Services shall adopt regulations to implement the provisions of the strategic plan developed pursuant to subsection 1.

3. On or before July 1, 2018, and every 5 years thereafter, the Commission shall submit the strategic plan developed pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 7. 1. The members of the Commission shall conduct an annual quality assurance review of each state facility for the detention of children and regional facility for the treatment and rehabilitation of children. Each review must use a validated service assessment tool, selected by the Commission, which includes, without limitation:
(a) An analysis of the facility’s service delivery;
(b) A review of the facility’s case management procedures;
(c) A review of the facility’s policies on supervision and behavior management of children placed in the facility; and
(d) An analysis of the facility’s procedures relating to the release of children from the jurisdiction of the juvenile court.

2. Before conducting a review pursuant to subsection 1, a member of the Commission must receive training on the use of the validated service assessment tool selected by the Commission pursuant to subsection 1.

3. The members of the Commission who conduct a review pursuant to subsection 1 shall share the results of the review and recommendations for improvement with the facility and the Division of Child and Family Services or a local department of juvenile services.

4. A facility shall develop a facility improvement plan, in coordination with the Division of Child and Family Services or a local department of juvenile services, if such a plan is required to address any issues raised in the review. Not more than 60 days after receiving the results of the review
and recommendations for improvement pursuant to subsection 3, the facility shall submit the facility improvement plan to the Commission. The Commission shall compile all such facility improvement plans and submit the plans to the Governor and to the Director of the Legislative Counsel Bureau with its annual review.

Sec. 8. 1. On or before July 1, 2018, the Division of Child and Family Services and each department of juvenile services shall:
(a) Implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission pursuant to subsection 3 of section 5 of this act; and
(b) Comply with the policies and quality assurance protocols set forth by the qualified vendor or other provider selected to provide technical assistance for the validated risk assessment tool pursuant to subsection 4 of section 5 of this act.

2. The costs of implementing and operating the validated risk assessment tool and the validated mental health screening tool pursuant to subsection 1 must be allocated in the following manner:
(a) In Fiscal Year 2017-2018, the Division of Child and Family Services pays 100 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.
(b) In Fiscal Year 2019-2020, the Division of Child and Family Services pays 50 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.
(c) In Fiscal Year 2020-2021 and in every subsequent fiscal year, each department of juvenile services is responsible for 100 percent of the costs that the department incurs associated with the validated risk assessment tool and the validated mental health screening tool.

Sec. 9. 1. Except as otherwise provided in subsection 2 and subject to the provisions of subsection 4, the Division of Child and Family Services and each department of juvenile services that receives money from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court, must use such money to develop, promote and coordinate evidence-based programs and practices.

2. A department of juvenile services in a county whose population is less than 100,000 must be evaluated for compliance with the requirement set forth in subsection 1 based on the amount of money received from the State, other limitations on resources and the availability of treatment providers in the county.

3. A contract or provider agreement between the Division of Child and Family Services or a department of juvenile services and a treatment provider for the provision of any juvenile services that uses money from the State must require the treatment provider to comply with the evidence-
based standards developed by the Commission pursuant to section 6 of this act.

4. The Division of Child and Family Services and each department of juvenile services shall use the following percentages of money received from the State as described in subsection 1 to develop, promote and coordinate evidence-based programs and practices:
   (a) In Fiscal Year 2019-2020, 25 percent.
   (b) In Fiscal Year 2020-2021, 50 percent.
   (c) In Fiscal Year 2021-2022, 75 percent.
   (d) In Fiscal Year 2022-2023 and each subsequent fiscal year, 100 percent.

Sec. 10. 1. On or before September 1, 2017, the Division of Child and Family Services shall issue a request for proposals to establish an evidence-based program resource center.

2. The evidence-based program resource center shall:
   (a) Provide technical assistance to the Division of Child and Family Services, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the strategic plan developed by the Commission pursuant to section 6 of this act;
   (b) Provide on a statewide basis to persons employed in the juvenile justice system training relating to:
      (1) The use of evidence-based programs and practices; and
      (2) The analysis of quality assurance protocols to ensure such programs meet the evidence-based standards developed by the Commission pursuant to section 6 of this act;
   (c) Act as a clearinghouse for information and statewide resources on evidence-based programs and practices for children subject to the jurisdiction of the juvenile court;
   (d) Facilitate collaboration among state and local agencies and treatment providers to increase access to such providers; and
   (e) Provide support for the assessment of the implementation of evidence-based standards by such state and local agencies.

Sec. 11. On or before July 1, 2019, and on or before July 1 of every year thereafter, the Division of Child and Family Services shall submit to the Governor, to the Commission and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, a report detailing the Division’s compliance with the evidence-based standards developed by the Commission pursuant to section 6 of this act and an analysis of the data collected based on the performance measures adopted by the Division pursuant to NRS 62H.200.

Sec. 12. The Division of Child and Family Services and each department of juvenile services shall develop and implement a family engagement plan to enhance family engagement in the juvenile justice system. The plan must include strategies for:
1. Increasing the family’s contact with a child subject to the jurisdiction of the juvenile court;
2. Engaging family members in the case plan of a child and in planning meetings for the release of the child from the jurisdiction of the juvenile court;
3. Involving family members in the child’s treatment; and
4. Soliciting the feedback of family members relating to improvements to the services rendered to children subject to the jurisdiction of the juvenile court.

Sec. 13. NRS 62A.010 is hereby amended to read as follows:
62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 13.2. NRS 62A.280 is hereby amended to read as follows:
62A.280 1. “Regional facility for the [detention] treatment and rehabilitation of children” means a regional facility [for the detention or commitment of] which provides court-ordered treatment and rehabilitation for children and which is administered by or for the benefit of more than one governmental entity.
2. The term includes, but is not limited to:
   (a) The [institution] facility in Clark County known as Spring Mountain Youth Camp;
   (b) The [institution] facility in Douglas County known as China Spring Youth Camp; and
   (c) The [institution] facility in Lyon County known as Western Nevada Regional Youth Facility.
3. The term does not include:
   (a) Any local facility for the detention of children; or
   (b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

Sec. 13.3. NRS 62B.130 is hereby amended to read as follows:
62B.130 1. If a child is detained other than pursuant to a court order in a local [or regional] facility for the detention of children, the county that has detained the child is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for the support of the child during the period of the child’s detention.
2. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum.

Sec. 13.4. NRS 62B.140 is hereby amended to read as follows:
62B.140 1. Except as otherwise provided in this subsection, if a child is committed to the custody of a regional facility for the [detention] treatment and rehabilitation of children, the juvenile court may order the county where
the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.

3. This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 13.5. NRS 62B.150 is hereby amended to read as follows:

62B.150 1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the detention treatment and rehabilitation of children that is partially supported by the State of Nevada and is operated by a county whose population is less than 700,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 700,000 or more, and multiplied by the number of pupils in the assessed county. The Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the detention treatment and rehabilitation of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 700,000 or more.

7. As used in this section, “regional facility for the detention treatment and rehabilitation of children” or “regional facility” does not include the institution facility in Lyon County known as Western Nevada Regional Youth Center.

Sec. 13.6. NRS 62B.160 is hereby amended to read as follows:

62B.160 1. Except as otherwise provided in subsection 5, each county shall pay an assessment for the operation of a regional facility for the
[detention] treatment and rehabilitation of children that serves the county if the regional facility:
   (a) Is operated by a county whose population is less than 700,000 or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, by counties whose populations are less than 700,000 each;
   (b) Is established by two or more counties pursuant to an interlocal agreement or by one county if the regional facility is operated pursuant to an interlocal agreement to benefit other counties; and
   (c) Is not partially supported by the State of Nevada and does not receive money from the State of Nevada other than any fees paid to the regional facility for a child referred to the regional facility by the State of Nevada.

2. The administrator of a regional facility for the [detention] treatment and rehabilitation of children shall calculate the assessment owed by each county pursuant to subsection 1 on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each county equals:
   (a) For the first 2 years of operation of the regional facility, the total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility and multiplied by the number of pupils in the preceding school year in the assessed county.
   (b) For each year subsequent to the second year of operation of the regional facility, unless the counties served by the regional facility enter into an interlocal agreement to the contrary, the total of:
      (1) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility, multiplied by the number of pupils in the preceding school year in the assessed county and multiplied by one-fourth; and
      (2) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils who were served by the regional facility in the preceding school year from all counties served by the regional facility, multiplied by the number of pupils who were served by the regional facility in the preceding school year from the assessed county and multiplied by three-fourths.

3. Each county shall pay the assessment required pursuant to subsection 1 to the treasurer of the county if the regional facility is operated by a county
or to the administrative entity responsible for the operation of the regional facility in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and may only be withdrawn by the administrator of the regional facility.

4. The board of county commissioners of each county may pay the assessment from revenue raised by a tax levied pursuant to NRS 354.59818, any other available money, or a combination thereof.

5. The provisions of this section do not apply to a county whose population is 700,000 or more.

6. As used in this section, “regional facility for the detention and rehabilitation of children” or “regional facility” does not include the institution known in Douglas County known as China Spring Youth Camp.

Sec. 13.7. NRS 62B.215 is hereby amended to read as follows:

62B.215 1. A child who is detained in a local or regional facility for the detention of children or committed to a regional facility for the treatment and rehabilitation of children may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:
   (a) Modifying the negative behavior of the child;
   (b) Holding the child accountable for a violation of a rule of the facility; or
   (c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local or regional facility for the detention of children or regional facility for the treatment and rehabilitation of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:
   (a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;
   (b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and
   (c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the
continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local [or regional] facility for the detention of children or regional facility for the treatment and rehabilitation of children shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. [A] Each local [or regional] facility for the detention of children and regional facility for the treatment and rehabilitation of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, “corrective room restriction” means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:
   (a) Administrative seclusion;
   (b) Behavioral room confinement;
   (c) Corrective room rest; and
   (d) Room confinement.

Sec. 13.8. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children or a regional facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 14. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 17, inclusive, of this act.

Sec. 14.5. Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:

1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and

2. The child poses a public safety risk based on the child’s risk of reoffending, as determined by a risk assessment conducted pursuant to section 15 of this act, any history of delinquency and the seriousness of the offense committed by the child.
Sec. 15. 1. Beginning on the date selected by the Commission for implementation of the requirement for use of the validated risk assessment tool and the validated mental health screening tool selected pursuant to section 5 of this act, before the disposition of a case involving a child who is adjudicated delinquent, the department of juvenile services shall conduct a validated risk assessment and validated mental health screening on the child, using the tools selected by the Commission. If the mental health screening indicates that the child is in need of a full mental health assessment, the department of juvenile services shall, to the extent money is available, provide for a full mental health assessment of the child.

2. The department of juvenile services shall prepare a report on the results of the risk assessment, mental health screening and, if applicable, the full mental health assessment conducted pursuant to subsection 1. The report must be included in the child’s file and provided to all parties to the case. The report must identify the child’s risk to reoffend and provide a recommendation for the type of supervision and services that the child needs.

3. The juvenile court shall use the report created pursuant to subsection 2 to assist the juvenile court in determining the disposition of the child’s case.

Sec. 16. 1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or committed to a regional facility for the treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:

(a) The results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;
(b) The trauma, if any, experienced by the child;
(c) The education level of the child;
(d) The seriousness of the offense committed by the child; and
(e) Any relevant information provided by the family of the child.

2. A case plan developed pursuant to subsection 1 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;
(b) Specify the level of supervision and intensity of services that the child needs;
(c) Provide referrals to treatment providers that may address the child’s risks and needs;
(d) Be developed in consultation with the child’s family or guardian, as appropriate;
(e) Specify the responsibilities of each person or agency involved with the child; and
(f) Provide for the full reentry of the child into the community.

3. In addition to the requirements of subsection 2, if a child is committed to a regional facility for the treatment and rehabilitation of children, the child’s case plan must:
   (a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to section 15 of this act, the seriousness of the offense committed by the child and treatment progress;
   (b) Include a comprehensive plan for complete reentry of the child into the community; and
   (c) Be reviewed at least once every 3 months by the department of juvenile services.

4. A reentry plan developed pursuant to subsection 3 must include, without limitation:
   (a) A detailed description of the education, counseling and treatment provided to the child;
   (b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;
   (c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and
   (d) A proposed plan for any engagement of the child’s family or guardian.

5. The department of juvenile services must update a child’s case plan at least once every 6 months, or when significant changes in the child’s treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

6. A reentry planning meeting must be held at least 30 days before a child’s scheduled release from a regional facility for the treatment and rehabilitation of children. As appropriate, based on the child’s case plan, the meeting should be attended by:
   (a) The child;
   (b) A family member or the guardian of the child;
   (c) The child’s probation officer;
   (d) Members of the staff of the regional facility for the treatment and rehabilitation of children; and
   (e) Any treatment providers of the child.

Sec. 17. 1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to section 15 of this act to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child’s case.
2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child’s risk of reoffending, as determined by the risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child’s progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.

3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:
   (a) The results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;
   (b) The trauma, if any, experienced by the child;
   (c) The education level of the child;
   (d) The seriousness of the offense committed by the child;
   (e) The child’s progress in meeting treatment goals; and
   (f) Any relevant information provided by the family of the child.

4. A case plan developed pursuant to subsection 3 must:
   (a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;
   (b) Specify the level of supervision and services that the child needs;
   (c) Provide referrals to treatment providers that may address the child’s risks and needs;
   (d) Be developed in consultation with the child’s family or guardian, as appropriate;
   (e) Specify the responsibilities of each person or agency involved with the child; and
   (f) Provide for the full reentry of the child into the community.

5. In addition to the requirements of subsection 4, if a child is committed to a state facility for the detention of children, the child’s case plan must:
   (a) Include a comprehensive plan for complete reentry of the child into the community; and
   (b) Be reviewed at least once every 3 months by the Division of Child and Family Services.

6. A reentry plan developed pursuant to subsection 5 must include, without limitation:
   (a) A detailed description of the education, counseling and treatment provided to the child;
   (b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;
(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and
(d) A proposed plan for any engagement of the child’s family or guardian.
7. The Division of Child and Family Services must update a child’s case plan at least once every 6 months, or when significant changes in the child’s treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.
8. A reentry planning meeting must be held at least 30 days before a child’s scheduled release from a state facility for the detention of children. As appropriate, based on the child’s case plan, the meeting should be attended by:
   (a) The child;
   (b) A family member or the guardian of the child;
   (c) The child’s youth parole counselor;
   (d) The superintendent of the state facility for the detention of children; and
   (e) Any treatment providers of the child.
Sec. 18. NRS 62E.110 is hereby amended to read as follows:
62E.110 1. Except as otherwise provided in this chapter, the juvenile court may:
   (a) Place a child in the custody of a suitable person for supervision in the child’s own home or in another home; or
   (b) Commit the child to the custody of a public or private institution or agency authorized to care for children; or
   (c) Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.
   2. If the juvenile court places the child under supervision in a home:
      (a) The juvenile court may impose such conditions as the juvenile court deems proper; and
      (b) The program of supervision in the home may include electronic surveillance of the child.
   3. If the juvenile court commits the child to the custody of a public or private institution or agency other than the Division of Child and Family Services, the juvenile court shall select one that is required to be licensed by:
      (a) The Department of Health and Human Services to care for such children; or
      (b) If the institution or agency is in another state, the analogous department of that state.
   4. Before committing a child to a public or private institution or agency in another state, the juvenile court must find that:
      (a) No public or private institution or agency in this State met the needs of the child or that such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and
Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and that those efforts had failed.

Sec. 19. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive, and sections 14.5 to 17, inclusive, of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, and sections 14.5 to 17, inclusive, of this act that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 20. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the detention and rehabilitation of children or state facility for the detention of children ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or other drugs once every 6 months or when significant changes to the child’s case plan developed pursuant to section 16 or 17 of this act, as applicable, are made.

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 21. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children shall conduct the screening required pursuant to NRS 62C.035 and 62E.513 using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children shall submit its method for conducting the
screening required pursuant to NRS 62C.035 and 62E.513 to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children [or regional facility for the detention of children] may begin using a new method for conducting the screening required pursuant to NRS 62C.035 and 62E.513, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 and 62E.513 that is submitted by a local facility for the detention of children [or a regional facility for the detention of children] and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 and 62E.513.

5. Each regional facility for the treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to section 5 of this act.

6. Each state facility for the detention of children shall use [a method the assessment tool for conducting the screening required pursuant to NRS 62E.513 that satisfies selected by the [requirements of paragraphs (a) and (b)] Commission pursuant to section 5 of subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.
Sec. 21.5. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for suitable placement in a correctional or institutional facility if:
   (a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or
   (b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:
      (1) Is in need of placement in a correctional or institutional facility; and
      (2) Is in need of residential psychiatric services or other residential services for the mental health of the child.

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:
   (a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and
   (b) At the request of the Division, provide the Division with not more than 10 working days within which to:
      (1) Investigate the child and the circumstances of the child; and
      (2) Recommend a suitable placement to the juvenile court.

Sec. 22. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Child and Family Services shall annually analyze the information submitted to the Division pursuant to NRS 62H.210 to determine:
   (a) Juvenile justice system trends, including, without limitation, referrals to the juvenile justice system, diversion and disposition of cases, levels of supervision provided to children, placement of children and programs and services offered to children;
   (b) Whether children of racial or ethnic minorities or children from economically disadvantaged backgrounds are receiving disparate treatment in the juvenile justice system;
   (c) The effectiveness of the different levels of supervision in the juvenile justice system;
   (d) The effectiveness of services provided by the juvenile justice system, including, without limitation, the effectiveness of the evidence-based standards developed by the Commission pursuant to section 6 of this act; and
   (e) The rates of recidivism for children either supervised by local juvenile probation departments or committed to the Division.

2. On or before January 31 of each year, the Division shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the information compiled pursuant to subsection 1.
Sec. 23. NRS 62H.025 is hereby amended to read as follows:

NRS 62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;
(b) The Chief of the Youth Parole Bureau or his or her designee;
(c) The Chief Parole and Probation Officer or his or her designee;
(d) The Director of the Department of Corrections or his or her designee;
(e) A district attorney or his or her designee;
(f) An attorney representing the child;
(g) The director, chief or sheriff of a state or local law enforcement agency or his or her designee;
(h) The director of a state or local agency which administers juvenile justice or his or her designee;
(i) A director of a state or regional facility for the detention or treatment of children or regional facility for the treatment and rehabilitation of children or his or her designee;
(j) The director of an agency which provides child welfare services or his or her designee;
(k) The director of an agency which provides mental health services or his or her designee;
(l) A guardian ad litem or court appointed special advocate who represents the child;
(m) A parent or guardian of the child;
(n) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
(o) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;
(p) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;
(q) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or
(r) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. A juvenile justice agency may deny a request for juvenile justice information if:
   (a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or
   (b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.
   A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:
   (a) Educational services;
   (b) Social services;
   (c) Mental health services;
   (d) Medical services; or
   (e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:
   (a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or
   (b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:
   (a) “Juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.
   (b) “Juvenile justice information” means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 24. NRS 62H.200 is hereby amended to read as follows:
62H.200 1. The Division of Child and Family Services shall:
   (a) Establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State.
   (b) Be responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.
   (c) Adopt such regulations as are necessary to carry out the provisions of this section, including requirements for the transmittal of information to the
standardized system from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services.

(d) Adopt such regulations as are necessary to implement the performance measures and evidence-based standards developed by the Commission pursuant to sections 5 and 6 of this act.

2. Each juvenile court and local juvenile probation department and the staff of the youth correctional services, as directed by the Department of Health and Human Services, shall comply with the regulations adopted pursuant to this section.

3. The Division of Child and Family Services may withhold state money from a juvenile court or department of juvenile services that does not comply with the regulations adopted pursuant to this section. Before any money is withheld, the Division shall:

(a) Notify the department of juvenile services of the specific provisions of the regulations adopted pursuant to this section with which the department is not in compliance;

(b) Require the department of juvenile services to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance; and

(c) If the department of juvenile services does not submit or adhere to a corrective action plan, notify the department that money will be withheld and specify the amount thereof.

Sec. 25. NRS 62H.210 is hereby amended to read as follows:

62H.210 1. Except as otherwise provided in subsection 3, the standardized system established pursuant to NRS 62H.200 must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments, the staff of regional facilities for the treatment and rehabilitation of children and the staff of the youth correctional services, as directed by the Department of Health and Human Services, regarding each child referred to the system of juvenile justice in this State:

(a) [A unique number] Any unique identifying information assigned to the child; [for identification.]

(b) Basic demographic information regarding the child, including, but not limited to:

(1) The age, sex and race or other ethnic background of the child;
(2) The composition of the household in which the child resides; and
(3) The economic and educational background of the child;

(c) The charges for which the child is referred, including, without limitation, any charges of violations of probation or parole;

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; [and]
(g) The disposition of any petitions filed regarding the child, including any applicable findings

(h) The assessed risks and needs of the child;

(i) The supervision of the child, including, without limitation, whether the child was placed in a residential facility; and

(j) Any programs and services provided to the child.

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the Department of Health and Human Services shall require the staff of regional facilities for the treatment and rehabilitation of children and the staff of the youth correctional services to collect and transmit the following information to the standardized system regarding each child committed to or otherwise placed in the custody of the Division of Child and Family Services:

(a) A record of each placement of the child, including, but not limited to, the location and period of each placement and the programs and services provided to the child during each placement;

(b) Any disciplinary action taken against the child during the child’s placement;

(c) Any education or vocational training provided to the child during the child’s placement and the educational and employment status of the child after release of the child on parole;

(d) The dates of each release of the child, including any release of the child on parole;

(e) If the child is released on parole, the period of each release and the services provided to the child during each release; and

(f) The nature of or reason for each discharge of the child from the custody of the regional facility for the treatment and rehabilitation of children or the Division of Child and Family Services.

3. The information maintained in the standardized system must not include the name or address of any person.

Sec. 26. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

The Youth Parole Bureau shall establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child’s violation of the terms and conditions of his or her parole. The policies and procedures must:

1. Establish a sliding scale based on the severity of the violation to determine the appropriate response to the child;

2. Require that a response to a child’s violation of the terms and conditions of his or her parole timely take into consideration:

(a) The risk of the child to reoffend, as determined by the results of a risk and needs assessment;

(b) The previous history of violations of the child;

(c) The severity of the current violation of the child;

(d) The child’s case plan; and
3. Include incentives that encourage compliance with the terms and conditions of a child’s parole.

Sec. 27. NRS 63.715 is hereby amended to read as follows:
63.715 1. A county that receives approval to carry out the provisions of NRS 63.700 to 63.780, inclusive, and section 26 of this act and an exemption from the assessment imposed pursuant to NRS 62B.165 shall:
(a) Carry out the provisions of NRS 63.700 to 63.780, inclusive, and section 26 of this act; and
(b) Appoint a person to act in the place of the Chief of the Youth Parole Bureau in carrying out those provisions.
2. When a person is appointed by the county to act in the place of the Chief of the Youth Parole Bureau pursuant to subsection 1, the person so appointed shall be deemed to be the Chief of the Youth Parole Bureau for the purposes of NRS 63.700 to 63.780, inclusive, and section 26 of this act.

Sec. 28. NRS 63.770 is hereby amended to read as follows:
63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.
2. Pending a hearing, the juvenile court may order that the child be held in the local or regional facility for the detention of children or committed to the regional facility for the treatment and rehabilitation of children.
3. If the child is held in a local or regional facility for the detention of children or committed to a regional facility for the treatment and rehabilitation of children pending a hearing, the Youth Parole Bureau may pay all actual and reasonably necessary costs for the confinement of the child in the local or regional facility or the commitment of the child to the regional facility to the extent that money is available for that purpose.
4. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.
5. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.
6. The juvenile court shall consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act and, in determining whether to suspend, modify or revoke the parole of the child, consider the adherence of the Youth Parole Bureau to such policies and procedures.

Sec. 29. NRS 63.780 is hereby amended to read as follows:
63.780 1. The Chief of the Youth Parole Bureau may recommend to the juvenile court that a child’s parole be revoked and that the child be committed to a facility only if the Chief or his or her designee has determined that:
(a) The child poses a risk to public safety, and the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act recommend such a revocation; or
The other responses set forth in such policies and procedures would not be appropriate for the child.

2. The Chief of the Youth Parole Bureau may not recommend to the juvenile court that a child’s parole be revoked and that the child be committed to a facility (unless) if the superintendent of the facility determines that:
   (1) (a) There is not adequate room or resources in the facility to provide the necessary care;
   (2) (b) There is not adequate money available for the support of the facility; or
   (3) (c) The child is not suitable for admission to the facility.

Sec. 29.5. NRS 354.557 is hereby amended to read as follows:

354.557 “Regional facility” means a facility that is used by each county that levies a tax ad valorem for its operation pursuant to NRS 354.59818 and provides services related to public safety, health or criminal justice. The term includes a regional facility for the [detention] treatment and rehabilitation of children for which an assessment is paid pursuant to NRS 62B.160.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 32. The Governor shall appoint the members of the Juvenile Justice Oversight Commission on or before September 1, 2017.

Sec. 33. NRS 62H.230 is hereby repealed.

Sec. 34. 1. This section and sections 1 to 32, inclusive, of this act become effective on July 1, 2017.

2. Section 33 of this act becomes effective on July 1, 2018.

TEXT OF REPEALED SECTION

62H.230 Probation departments to analyze information submitted to standardized system annually and compile reports concerning disparate treatment of children; Division of Child and Family Services to publish reports annually.

1. On or before January 31 of each year, each local juvenile probation department shall:
   (a) Analyze the information it submitted to the standardized system during the previous year pursuant to NRS 62H.210 to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the system of juvenile justice in comparison to the general population;
   (b) As necessary, develop appropriate recommendations to address any disparate treatment; and
   (c) Prepare and submit to the Division of Child and Family Services a report which includes:
(1) The results of the analysis it conducted pursuant to paragraph (a); and
(2) Any recommendations it developed pursuant to paragraph (b).

2. The Division of Child and Family Services shall annually:
(a) Compile the reports it receives pursuant to subsection 1; and
(b) Publish a document which includes a compilation of the reports.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 10.
Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 774.

AN ACT relating to unclaimed property; revising provisions governing the publication of information concerning certain unclaimed and abandoned property and the sale of such property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law establishes the Uniform Unclaimed Property Act, which sets forth various provisions relating to the disposition of certain abandoned property. (Chapter 120A of NRS) Under existing law, the State Treasurer acts as the Administrator of Unclaimed Property. (NRS 120A.025) Existing law requires the Administrator annually to publish a notice that lists the name of each person who appears to own certain kinds of property that has been abandoned by its owner and taken into custody by the Administrator. The notice must also contain a statement that information about such property may be obtained from the Administrator. The Administrator is required to provide this notice by purchasing an advertisement in a newspaper of the county of the last known address of each apparent owner of abandoned property that is in the custody of the Administrator. (NRS 120A.580)

Section 1 of this bill revises the requirements that the notice include information concerning individual owners and instead provides among other things that: (1) in a county whose population is 700,000 or more (currently Clark County), such a notice must be published in a newspaper with the largest of general circulation with a circulation of more than 15,000 in the county at least six times per year, or more often under certain circumstances, and must provide certain instructions on how to search and access information relating to unclaimed property; and (2) in a county whose population is less than 700,000 (currently any county other than Clark County), such a notice must be published in a newspaper with the largest of general circulation in the county not less than once each year and must include the last known city of any person named in the notice. Section 1 also
requires the Administrator to publish a notice in a newspaper of general circulation, not later than February 1 and August 1 of each year, that summarizes certain requirements relating to holders of unclaimed property. Finally, section 1 authorizes the Administrator to provide additional information concerning unclaimed or abandoned property at any time and in any manner that the Administrator selects.

Existing law requires the Administrator to sell certain abandoned property in his or her custody within 2 years after taking the property into custody. The Administrator is required to publish a notice in a newspaper of general circulation in the county in which the property is to be sold at least 3 weeks before the sale. (NRS 120A.610) Section 2 of this bill requires the Administrator to publish such a notice not less than 21 days before the sale. Section 2 also authorizes the Administrator to provide additional notice of such sales at any time and in any manner that the Administrator selects.

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

Section 1. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must be:

(a) In a county whose population is 700,000 or more:

1. Be published not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3), in a newspaper of general circulation in the county of this State in which is located, with a circulation of more than 15,000;

2. Include instructions on how to search and access information relating to unclaimed property; and

3. Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.

(b) In a county whose population is less than 700,000:

1. Be published not less than once each year in a newspaper of general circulation in the county; and

2. Include the last known address of any person named in the notice. If a holder does not report an address for the apparent owner or the address is outside this State, the notice must be published in a county that the Administrator reasonably selects.

(c) If a holder of property must file a report pursuant to NRS 120A.560:

1. Be published in a newspaper of general circulation not less than 90 days before the date the holder must file the report; and
(2) Be not less than one full page in size.

2. The [advertisement] notice required [in] by subsection 1 must be in a form that, in the judgment of the Administrator, is likely to attract the attention of [the apparent owner of the] persons who may have a legal or equitable interest in unclaimed property [4] or of the legal representatives of such persons. The form must contain:

(a) The name [of each person appearing to be the owner of the property, as set forth in the report filed by the holder];

(b) The city or town in which the last known address of each person appearing to be the owner of the property is located, if a city or town is set forth in the report filed by the holder;

(c) [email, physical address, telephone number and Internet address of the website of the Administrator];

(b) A statement explaining that unclaimed property [of the owner] is presumed to be abandoned and has been taken into the protective custody of the Administrator; and

(d) [A statement that information about [the] property taken into protective custody and its return to the owner is available to the owner or a person having a legal or beneficial interest in the property, upon request to the Administrator [4], directed to the Deputy of Unclaimed Property.]

2. 3. The Administrator is not required to advertise the name and city or town of an owner of property having a total value less than $50 or information concerning a traveler’s check, money order or similar instrument. In addition to publishing the notice required by subsection 1, the Administrator shall publish a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:

(a) Be published in a newspaper of general circulation in this State; and

(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.

4. In addition to complying with the requirements of subsections 1, 2 and 3, the Administrator may advertise or otherwise provide information concerning unclaimed or abandoned property, including, without limitation, the information set forth in subsection 2, subsections 2 and 3, at any other time and in any other manner that the Administrator selects.

Sec. 2. NRS 120A.610 is hereby amended to read as follows:

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

2. Any sale held under this section must be preceded by a single publication of notice, [at least 3 weeks] **not less than 21 days** before sale, in a newspaper of general circulation in the county in which the property is to be sold. **The Administrator may provide additional notice of any such sale at any time and in any manner that the Administrator selects.**

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

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:
   (a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or
   (b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

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

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

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:
   (a) Over the counter at the prevailing price for that security at the time of sale; or
   (b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.
8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature, if it is in session, or by the Interim Finance Committee, if the Legislature is not in session, for educational purposes.

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

Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 12.
Bill read third time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 864.

SUMMARY—Repeals certain provisions relating to governmental administrative tasks. (BDR 122-241)
AN ACT relating to governmental administration; repealing certain reporting requirements of the Department of Taxation, the State Board of Agriculture and the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing a requirement that the Administrator of the Employment Security Division print for distribution to the public certain regulations, rules, reports and other materials relating to unemployment compensation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill repeals the requirement that the Department of Taxation prepare and submit a biannual report to the Legislature and to each municipality that has created a tourism improvement district pursuant to NRS chapter 271A (commonly known as “STAR bond districts”) on or after July 1, 2011, regarding monthly revenue, wages and employment in the tourism improvement district. Section 1 also repeals the requirement that each business within such a tourism improvement district provide to the Department of Taxation information required by the Department for it to fulfill its reporting requirement. Section 2 of this bill makes a conforming change.

Section 3 of this bill repeals the requirement that the: (1) State Board of Agriculture submit to the Governor a biennial report of its activities relating
to its statutory duties; (2) Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation submit to the Governor a biennial report on the administration and operation of statutes relating to unemployment compensation; and (3) Administrator of the Employment Security Division print for distribution to the public the text of certain regulations, rules, reports and other materials relating to unemployment compensation.

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

Section 1. [NRS 271A.105 is hereby amended to read as follows:]

271A.105 [1.] On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

[a] A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

[b] An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:

(a) On or before April 1 and October 1 of each year, except as otherwise provided in subsection 3, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:

(1) The amount of revenue from the taxable sales made each month by the businesses within the district;

(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

(3) The amount of the wages paid each month by the businesses within the district; and

(4) The number of full-time and part-time employees employed each month by the businesses within the district.

The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business, in which case the report must provide the information in the aggregate.

(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by
the Department, such information as the Department determines to be
necessary to carry out the provisions of paragraph (a).

3. The Department of Taxation is not required to prepare and submit a
report pursuant to paragraph (a) of subsection 2 if the report cannot be
prepared in a manner which would not disclose or result in the disclosure of
information about an individual business.

4. As used in this section, “taxable sales” means any sales that are
taxable pursuant to chapter 372 of NRS. [Deleted by amendment.]

Sec. 2. NRS 239.010 is hereby amended to read as follows:

Sec. 239.010

1. Except as otherwise provided in this section and NRS
1.4683, 1.4687, 1A.110, 41.071, 40.095, 62D.420, 62D.440, 62F.516,
75A.150, 76.160, 78.152, 80.112, 81.850, 82.183, 86.246, 86.546(5), 87.515,
87.516, 87.541, 87A.200, 87A.580, 87A.640, 88.3855, 88.5927, 88.6067, 88A.345,
88A.7245, 89.045, 89.251, 90.113, 90A.280, 90A.310, 90A.653,
91B.270, 91B.382, 120A.690, 125.120, 125B.140, 126.141, 126.161,
126.162, 126.720, 127.007, 127.057, 127.120, 127.140, 127.2817, 130.312,
130.712, 136.050, 150.044, 172.035, 172.245, 176.015, 176.0625,
176.0920, 176.156, 176A.620, 178.3015, 178.4715, 178.5601, 179.405,
179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5005,
200.604, 202.3662, 205.1651, 209.392, 209.3925, 209.419, 209.521,
211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
228.270, 228.350, 228.495, 228.750, 231.007, 231.047, 231.190, 231.200,
242.105, 242B.164, 244.325, 250.087, 250.120, 250.150, 260.005,
268.300, 268.410, 271A.105, 281.105, 281A.500, 281A.500, 281A.500,
293.5002, 293.503, 293.558, 293B.135, 293C.510, 331.110, 332.061,
332.351, 333.333, 333.335, 338.070, 338.120, 338.16025, 338.1725,
338.175, 338.177, 338.420, 240.507, 240.775, 252.205, 252.305, 252A.040, 252A.085,
252A.100, 252C.240, 260.240, 260.247, 260.255, 260.755, 261.044,
261.610, 265.130, 265.160, 265A.180, 272A.080, 272A.200, 278.200,
278.200, 285A.930, 285B.100, 287.626, 287.621, 288.1155, 288.250,
288.305, 288.303, 288.513, 288.750, 301.035, 302.039, 302.147, 302.264,
302.271, 302.850, 301.167, 301.169, 301.147, 301.160, 301.165, 306.320(5),
306.105, 306.525, 306.535, 308.103, 308.3885, 308.3886, 308.3888,
308.5315, 312.153, 416.070, 422.2730, 422.305, 422A.342, 422A.350,
425.000, 427A.126, 427A.872, 422.205, 422B.178, 422B.200, 422B.290,
422B.407, 422B.420, 422B.560, 422B.824, 423A.360, 429.840, 429B.420,
440.170, 441A.105, 441A.220, 441A.220, 442.320, 442.353, 445A.665,
445B.570, 449.200, 449.245, 449.720, 450.110, 453.164, 453.720,
453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

3. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.
A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself. (Deleted by amendment.)

Sec. 3. NRS 562.150, 612.235 and 612.255 are hereby repealed.

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

TEXT OF REPEALED SECTIONS

562.150 Biennial report to Governor. The Board shall render a written report of its activities relating to the implementation of this chapter to the Governor on or before October 31, 2003, and each 2 years thereafter.

612.235 Biennial report of Administrator.

1. Not later than December 1, 1956, and December 1 of every second year thereafter, the Administrator shall submit to the Governor a report covering the administration and operation of this chapter during the preceding biennium and shall make such recommendations for amendment to this chapter as the Administrator deems proper.

2. Such reports must include a balance sheet of the money in the Fund, in which there must be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserves must be set up by the Administrator in accordance with accepted actuarial principles on the basis of statistics or employment business activity and other relevant factors for the longest possible period.

612.255 Administrator to print and distribute law, rules, regulations, reports and other material. The Administrator shall cause to be printed for distribution to the public the text of this chapter, his or her regulations and general and special rules, his or her reports to the Governor, and any other material the Administrator deems relevant and suitable, and shall furnish the same to any person upon application therefor.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 56.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 821.
AN ACT providing a charter for the City of Mesquite, in Clark County, Nevada; authorizing the City Council of the City of Mesquite to establish certain fees and impose certain taxes; requiring the City Council to levy a tax upon the assessed value of real and personal property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
The Nevada Constitution authorizes the Legislature to provide for the incorporation of a city by a special act. (Nev. Const. Art. 8, § 8) **Section 1** of this bill provides a charter for the City of Mesquite in Clark County, Nevada. Article I of the Charter provides that the elective officers of the City consist of a Mayor, five members of the City Council and such other officers as provided in the Charter. (Section 1.050) Article I also requires the City Council to establish a Charter Committee, which is required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the Charter. (Section 1.110)

Articles II, III and IV of the Charter establish provisions relating to the legislative, executive and judicial departments of the City, respectively. Article II provides for the qualifications, election, term of office and salary of the members of the City Council and establishes the various powers of the City Council, including the power to fix, impose and collect a license tax for revenue upon all businesses, trades and professions. (Sections 2.010, 2.080, 2.110-2.280) Article II also authorizes the City Council to establish and impose various fees. (Sections 2.170, 2.210, 2.270) Article II further establishes several provisions concerning the sale or lease of real property owned by the City and the redevelopment of communities. (Sections 2.300-2.370) Article III provides for the qualifications, duties, election, term of office and salary of the Mayor and the election by the City Council of one of its members to be Mayor pro tempore. (Section 3.010) Article III also establishes provisions relating to the City Manager, City Clerk, City Attorney and City Assessor. (Sections 3.020-3.070) Article IV provides for a Municipal Court and establishes provisions relating to the departments of the Municipal Court and the Municipal Court Judges. (Sections 4.010-4.030)

Article V of the Charter establishes provisions concerning elections, including certain procedures relating to the election of members of the City Council. (Sections 5.010, 5.020) Article VI of the Charter pertains to local improvements and generally authorizes the City Council to acquire, improve, equip, operate and maintain, convert to or authorize certain improvements. (Section 6.010) Article VII of the Charter: (1) prohibits the City from incurring any indebtedness in excess of a certain amount; (2) authorizes the City to grant franchises and acquire any public utility; and (3) authorizes the City to borrow money for any corporate purpose. (Sections 7.010-7.030)
Article VIII of the Charter authorizes express trusts to be created in real or personal property, with the City as the beneficiary thereof, for the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the City. (Section 8.010) Article IX of the Charter authorizes the City Council to levy an annual tax at a rate allowable under state law upon the assessed value of all applicable real and personal property within the City. (Section 9.010) Article X of the Charter establishes certain miscellaneous provisions concerning the Charter. (Sections 10.010, 10.020)

Section 2 of this bill provides that the effective date of incorporation of the City of Mesquite is July 1, 2017.

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

Section 1. The Charter of the City of Mesquite is as follows. Each section of the Charter shall be deemed to be a section of this act for the purpose of any subsequent amendment.

ARTICLE I

Incorporation of City; General Powers; Boundaries; Annexations; City Offices; Charter Committee

Section 1.010 Preamble: Legislative intent.

1. In order to provide for the orderly government of the City of Mesquite and the general welfare of its citizens, the Legislature hereby establishes this Charter for the government of the City of Mesquite. It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers must not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this State. All provisions of the Nevada Revised Statutes which are applicable generally to cities, not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS, which are not in conflict with the provisions of this Charter apply to the City of Mesquite.

3. Except as otherwise expressly provided in a particular section or required by the context:
   (a) The masculine gender includes the feminine and neuter genders.
   (b) The singular number includes the plural number and the plural includes the singular.
   (c) The present tense includes the future tense.
   ➣ The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty.
The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

Sec. 1.020 Incorporation of City.
1. All persons who are inhabitants of that portion of the State of Nevada embraced within the limits set forth in section 1.030 constitute a political and corporate body by the name of “City of Mesquite” and by that name they and their successors must be known in law, have perpetual succession and may sue or be sued in all courts.
2. Whenever used throughout this Charter, “City” means the City of Mesquite.

Sec. 1.030 Description of territory. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and the County Assessor of Clark County, as such plat is revised from time to time.

Sec. 1.040 Annexations. The City may annex territory by following the procedure provided for the annexation of cities in those sections of chapter 268 of NRS, as amended from time to time, which apply to a county whose population is 700,000 or more.

Sec. 1.050 Elective offices. The elective officers of the City consist of:
1. A Mayor;
2. Five Council members; and
3. Such other officers as provided by this Charter.

Sec. 1.060 Elective offices: Vacancies.
1. A vacancy in the City Council or in the office of Mayor must be filled for the remainder of the unexpired term by a majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within 45 days after the occurrence of the vacancy.
2. A person appointed to fill a vacancy:
   (a) Must have the same qualifications as are required of the elective official; and
   (b) Shall enter upon the discharge of his or her respective duties at the first meeting of the City Council held after the vote to fill the vacancy.

Sec. 1.070 Mayor and Council members not to hold other office; authorization to run for other office.
1. The Mayor and Council members:
   (a) Shall not hold any other elective office with the State of Nevada or any of its political subdivisions or any other employment with the City.
   (b) Must not be elected or appointed to any office created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which he or she was elected.
2. Any person holding any office proscribed by subsection 1 automatically forfeits his or her office as Mayor or Council member.
3. Subject to the provisions of subsections 1 and 2, the Mayor and any Council member may run for an elective office with the State or any political subdivision thereof while still serving in his or her capacity as Mayor or Council member.

Sec. 1.080 Executive officers.

1. The following positions are executive officers within the City:
   (a) City Manager.
   (b) City Attorney.
   (c) Assistant City Manager or Deputy City Manager.
   (d) City Clerk.
   (e) Director of Finance.
   (f) Chief of Police.
   (g) Fire Chief.

2. The City Council may [establish any other positions for executive officers or eliminate or] combine any positions for executive officers by ordinance.

3. The appointments of the City Manager and City Attorney must be made by the Mayor, subject to the advice and consent of the City Council.

4. The appointments and termination of all other executive officers must be made by the City Manager and are subject to [advanced] ratification by the City Council.

Sec. 1.090 Executive officers: Duties; salary.

1. All executive officers other than the City Attorney shall perform such duties as may be designated by the City Manager.

2. Any executive officer who becomes aware of any supposed nonfeasance, misfeasance or malfeasance shall report such behavior in accordance with the proper chain of command. If the person who has allegedly committed the nonfeasance, misfeasance or malfeasance is ranked higher than the executive officer in the proper chain of command, the executive officer shall report the behavior to the appropriate legal authorities.

3. The City Manager shall set the salary for all executive officers other than the City Attorney.

Sec. 1.100 Oath of office. Every person elected or appointed to fill any elective office shall subscribe to the official oath as provided by the City Council. Every such person shall swear or affirm that he or she is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment in the City.

Sec. 1.110 Charter Committee: Creation; [composition] appointment; qualifications; terms; compensation; [term]; vacancies.

1. The City Council [may at any time] shall establish a Charter Committee which shall meet as required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the City Charter [to the City Council].
2. The Charter Committee must be composed of not more than nine voting members.

3. The Charter Committee must be appointed as follows:
   (a) The Mayor and each member of the City Council shall appoint not more than six members; one member;
   (b) Each member of the Senate and Assembly delegation representing the residents of the City shall appoint one member; and
   (c) Before the conclusion of the second meeting of the Charter Committee, the Committee shall appoint the remaining number of members needed to have a total of nine members of the Committee.

4. The City Manager and City Attorney or their designees shall serve as ex officio nonvoting members of the Charter Committee.

5. Each member of the Charter Committee:
   (a) Must be a registered voter of the City;
   (b) If appointed pursuant to:
       (1) Paragraph (a) or (b) of subsection 2, serves a term concurrent to the term of the public officer by whom he or she was appointed; or
       (2) Paragraph (c) of subsection 2, serves a term of 2 years;
   (c) Must reside in the City during his or her term of office; and
   (d) Serves without compensation or, if the member is designated pursuant to subsection 4, serves without additional compensation.

6. The term of service of a member of the Charter Committee expires at the end of the legislative session during which this Charter or any amendments thereto are considered by the Legislature. Upon such final adjournment of the Legislature, the Committee is dissolved until the City Council establishes another Charter Committee pursuant to subsection 1.

7. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment.

Sec. 1.120 Charter Committee: Officers; meetings; duties; legislative measures.

1. The Charter Committee shall elect:
   (a) Elect from among its members a Chair and a Vice Chair from among its members, who each serve a term of 2 years unless he or she resigns or is removed from the Committee pursuant to section 1.130;
   (b) Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee;
   (c) Meet jointly with the City Council on a date to be set after the final biennial meeting of the Committee is conducted pursuant to paragraph (b) and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Committee concerning necessary amendments to this Charter;
(d) If the City Council elects to submit the Committee’s recommended amendments to the Legislature as one of the City’s legislative measures, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City; and
(e) Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, without limitation, holding meetings and public hearings and obtaining assistance from officers of the City to ensure the Committee’s compliance with any law applicable to a public body.

2. [All meetings of the Charter Committee are subject to the provisions of chapter 241 of NRS.] If the City Council elects not to submit the Committee’s recommended amendments to the Legislature as one of the City’s legislative measures, the Committee may vote to authorize a member of the Committee to seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and to assist the Senator, Assemblyman or Assemblywoman, as applicable, in the timely preparation of such amendments for presentation to the Legislature. The member of the Committee shall not represent that any such legislative measure is approved or supported by the City Council and shall disclose to the Senator, Assemblyman or Assemblywoman, as applicable, that the legislative measure is not approved or supported by the City Council.

Sec. 1.130 Charter Committee: Removal of member [ ]; vacancies.
1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for any of the following reasons:
   (a) Failure or refusal to perform the duties of office;
   (b) Absence from three consecutive regular meetings;
   (c) Ceasing to meet any qualification for appointment to the Charter Committee; or
   (d) Any conduct deemed inappropriate by a majority vote of the members of the Charter Committee.
2. A vote for removal of a member of the Charter Committee pursuant to paragraph (d) of subsection 1 must be ratified by a majority vote of the City Council.
3. [Any] If a vacancy [resulting from the removal of a member pursuant to this section] occurs on the Charter Committee, the vacancy must be filled [pursuant to subsection 7 of section 1.110 ] in the same manner as the original appointment for the remainder of the unexpired term.
ARTICLE II

Legislative Department

Sec. 2.010 City Council: Qualifications; election; term of office; salary.
1. The legislative power of the City is vested in a City Council consisting of five Council members.
2. Each Council member must be elected at large and without respect to the location of his or her residence, as long as the residence is within the city limits of the City of Mesquite.
3. Each Council member must be:
   (a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.
   (b) A qualified elector within the City.
4. All Council members must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.
5. The Council members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Council members and becomes effective during the term for which they have been elected or appointed.

Sec. 2.020 City Council: Contracts. Members of the City Council may vote on any lease, contract or other agreement which extends beyond their terms of office.

Sec. 2.030 City Council: Discipline of members and other persons; subpoena power.
1. The City Council may:
   (a) Provide for the punishment of any member for disorderly conduct committed in its presence.
   (b) Order the attendance of witnesses and the production of all documents and data relating to any business before the City Council.
2. If any person ordered to appear before the City Council or to produce documents or data fails to obey such order:
   (a) The City Council or any member thereof may direct the City Attorney to apply to the Municipal Court for a subpoena commanding the attendance of the person before the City Council or production of the documents or data to the City Council.
   (b) A Municipal Court Judge may issue the subpoena, and any peace officer may serve it.
   (c) If the person upon whom the subpoena is served fails to obey it, the Municipal Court may issue an order to show cause why such person should not be held in contempt of the Municipal Court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.
Sec. 2.040 Meetings: Quorum.
1. Unless the Mayor or a majority of Council members decide otherwise, the City Council shall hold at least two regular meetings each month. In no case may the City Council not hold a regular meeting during any given month.
2. Before each regular meeting, but after the previous meeting, the City Council shall hold a work session to discuss the contents of the upcoming meeting.
3. Except as otherwise provided in NRS 241.0355, a majority of all members of the City Council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.
4. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.

Sec. 2.050 Meetings: Special.
1. Special meetings may be held on call of the Mayor or by a majority of the City Council, by giving notice of the special meeting pursuant to NRS 241.020.
2. At a special meeting, no contract involving the expenditure of money may be made or claim allowed unless notice of the meeting called to consider the action is given pursuant to the provisions of NRS 241.020.

Sec. 2.060 Meetings: Time and place; rules. The City Council may:
1. Fix the time and place of its meetings.
2. Adopt rules for the government of its members and proceedings.

Sec. 2.070 Oaths and affirmations. The Mayor, the Mayor pro tempore while acting for the Mayor and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City before the City Council or to be considered by the City Council.

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders.
1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of the Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.
2. When power is conferred upon the City Council to do and perform anything, and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.
3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.
4. The City Council has such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.
Sec. 2.090  Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the whole City Council. The style of all ordinances must be as follows: “The City Council of the City of Mesquite does ordain;”.

2. No ordinance may contain more than one subject, which must be briefly indicated in the title. If the subject of the ordinance is not so expressed in the title, the ordinance is void as to the matter not expressed in the title.

3. Any ordinance which amends an existing ordinance must set out in full the ordinance or sections thereof to be amended, must indicate matter to be omitted by enclosing it in brackets or by using another similar conspicuous marking, and must indicate new matter by underscoring, by italics or by another similar conspicuous marking.

Sec. 2.100  Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the City Council by title and referred to a committee for consideration, if such a committee has been established, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance or an amendment thereto within 30 days after the date of publication.

2. At the next regular meeting or special meeting of the City Council following the proposal of an ordinance and its reference to a committee, if such a committee has been established, any such committee shall report the ordinance back to the City Council. Before the City Council considers the action to be taken on the proposed ordinance, a public hearing on the proposed ordinance must be held. Upon the conclusion of the public hearing, the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.
5. The City Clerk shall keep a record of all ordinances together with the affidavits of publication.

Sec. 2.110 Powers of City Council: Public property, buildings. The City Council may:

1. Control the property of the City.
2. Erect and maintain all buildings necessary for the use of the City.
3. Purchase, receive, hold, sell, lease, convey and dispose of property, wherever situated, for the benefit of the City, improve and protect such property, and do all other things in relation thereto which natural persons might do.

Sec. 2.120 Powers of City Council: Eminent domain. The City Council may condemn property for the public use in the manner prescribed by chapter 37 of NRS, as amended from time to time.

Sec. 2.130 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:
   (a) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate all businesses, trades and professions.
   (b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.
2. The City Council may establish by ordinance or resolution any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 2.140 Powers of City Council: Police ordinances.

1. The City Council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.
2. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the City whenever such offense is committed within the City.

Sec. 2.150 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The City Council may:

1. Organize, regulate and maintain a fire department.
2. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the City, and prescribe the distance from any residential or commercial area where it may be kept. Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.
3. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

Sec. 2.160 Powers of City Council: Public health; Southern Nevada Health District; regulations. The City Council may:
1. Provide for safeguarding public health in the City.
2. Provide for the enforcement of all regulations and quarantines established by the Southern Nevada Health District or its successor by imposing adequate penalties for violations thereof.
3. Provide by ordinance any rules and regulations specific to the health and welfare of the City of Mesquite and its residents and, in accordance with subsection 3 of section 2.080, provide that the penalty for any violation thereof is equivalent to the penalty established by the Legislature for a misdemeanor.

Sec. 2.170 Powers of City Council: Buildings; construction and maintenance regulations; building and safety codes. The City Council may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the City.
2. Adopt any building or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary.

Sec. 2.180 Powers of City Council: Zoning and planning. The City Council may adopt ordinances and regulations relating to zoning and planning pursuant to the provisions of chapter 278 of NRS.

Sec. 2.190 Powers of City Council: Rights-of-way, parks, public buildings and grounds and other public places. The City Council may:

1. Lay out, maintain, alter, improve or vacate all public rights-of-way in the City.
2. Regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.
3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.
4. Regulate (and prevent) in all public places:
   (a) The distribution and exhibition of handbills or signs.
   (b) Any practice tending to annoy persons passing or being in such public places.
   (c) Public demonstrations and processions.
5. Prevent riots or any act tending to promote riots in any public place.

Sec. 2.200 Powers of City Council: Traffic control. The City Council may, by ordinance, regulate:

1. Except as otherwise provided in NRS 707.375, all vehicular, pedestrian and other traffic within the City and provide generally for the public safety on public streets and rights-of-way.
2. The length of time for which vehicles may be parked upon the public streets and publicly owned parking lots.

Sec. 2.210 Powers of City Council: Parking meters; off-street public parking facilities.

1. The City Council may acquire, install, maintain, operate and regulate parking meters at the curbs of the streets or upon publicly owned
property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters must be fixed by the City Council.

2. Except as otherwise provided by this Charter, the City Council may acquire property within the City by any lawful means, including eminent domain, for the purpose of establishing off-street public parking facilities for vehicles. The City Council may, in bonds issued to acquire property for this purpose, pledge the on-street parking revenues, the general credit of the City, or both, to secure the payment of the principal and interest thereon.

Sec. 2.220 Powers of City Council: Airports. The City Council may acquire, provide for, operate and maintain an airport for public use.

Sec. 2.230 Powers of City Council: Railroads. The City Council may:
1. License, regulate or prohibit the location, construction or laying of tracks of any railroad or streetcar in any public right-of-way.
2. Grant franchises to any person or corporation to operate a railroad, streetcar or other public transit system upon public rights-of-way and adjacent property.
3. Declare a nuisance and require the removal of the tracks of any railroad or streetcar in any public right-of-way.
5. Prescribe the length of time any public right-of-way may be obstructed by trains standing thereon.
6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.
7. Acquire, provide for, operate and maintain a railroad for public use.

Sec. 2.240 Powers of City Council: Nuisances. The City Council may:
1. Determine by ordinance what shall be deemed nuisances.
2. Provide for the abatement, prevention and removal of such nuisances at the expense of the person creating, causing or committing such nuisances.
3. Provide that such expense of removal is a lien upon the property upon which the nuisance is located. Such lien must:
   (a) Be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount of expenses due and unpaid and describing the property subject to the lien.
   (b) Be coequal with the latest lien thereon to secure the payment of general taxes.
   (c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
   (d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.
4. Provide any other penalty or punishment of persons responsible for such nuisances.

Sec. 2.250 Powers of City Council: Animals. The City Council may regulate and control animals in the City and may construct facilities for this purpose.

Sec. 2.260 Powers of City Council: Abatement of noxious insects, rats and disease-bearing organisms. The City Council may take all steps necessary and proper for the extermination of noxious insects, rats and other disease-bearing organisms, either in the City or in territory outside the City but so situated that such insects, rats and disease-bearing organisms migrate or are carried into the City.

Sec. 2.270 Powers of City Council: Sanitary sewer facilities. The City Council may:

1. Provide for a sanitary sewer system or any part thereof, including, without limitation, a wastewater treatment plant, and obtain property therefor either within or without the City.
2. Sell any product or by-product thereof and acquire the appropriate outlets within or without the City and extend the sewer lines thereto.
3. Establish sewer fees and provide for the enforcement and collection thereof.

Sec. 2.280 Powers of City Council: Provision of utilities.
1. Except as otherwise provided in subsection 3 and section 2.290, the City Council may:
   (a) Provide, by license, contract, franchise, public enterprise or any other appropriate means, for any utility to be furnished to the City for the residents thereof.
   (b) Provide for the construction of any facility necessary for the provision of such utilities.
   (c) Fix the rate to be paid for any utility provided by public enterprise.
2. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered. Each such lien must:
   (a) Be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien.
   (b) Be coequal with the latest lien thereon to secure the payment of general taxes.
   (c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
   (d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.
3. The City Council:
(a) Shall not sell telecommunication service to the general public.
(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:
   (1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and
   (2) Determines from the results of the study that the purchase or construction is in the interest of the general public.
4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.
5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell telecommunication service to the general public.
6. As used in this section:
   (a) “Telecommunication” has the meaning ascribed to it in NRS 704.025.
   (b) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

Sec. 2.290 Franchises for the provision of telecommunication service.
1. The City Council shall not:
   (a) Impose any terms or conditions on a franchise for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.
   (b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone or telegraph lines owned by another company.
   (c) Require a person who holds a franchise for the provision of telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.
2. As used in this section:
   (a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.
   (b) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

Sec. 2.300 Sale or lease of real property owned by City: Appraisals.
1. Except as otherwise provided in this section, whenever real property owned by the City is to be leased or sold, the City shall:
   (a) Select one or two independent appraisers, as applicable, from the list of appraisers created pursuant to subsection 2. The cost of an appraisal must be borne by the successful purchaser of the real property unless the City Council decides otherwise during a public meeting.
Verify the qualifications of each appraiser selected pursuant to paragraph (a). The determination of the City Council as to the qualifications of the appraiser is conclusive.

2. The City Council shall adopt by ordinance the procedures for creating or amending a list of appraisers who are qualified to conduct appraisals of real property offered for sale or lease by the City Council. The list must:
   (a) Contain the names of all persons licensed as an appraiser in Clark County; and
   (b) Be organized at random and reorganized from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation:
   (a) All sources of income of the appraiser that might constitute a conflict of interest; and
   (b) Any relationship of the appraiser with the City or the owner of an adjoining property.

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

5. If real property is sold or leased in violation of this section, the sale or lease is void.

Sec. 2.310 Sale or lease of real property owned by City: Sale or lease to public entity.

1. The City Council may sell, lease or otherwise dispose of real property owned by the City to another public entity if:
   (a) The sale or lease restricts the use of the real property to a public use; and
   (b) The City Council adopts a resolution finding that the sale or lease will be in the best interest of the City.

2. If the provisions of subsection 1 are satisfied, the City Council may lease, sell or otherwise dispose of the real property, subject to the following conditions:
   (a) The City Council shall publish a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and
   (b) The City Council shall hold a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. If real property is sold or leased in violation of this section:
The sale or lease is void; and
(b) Any change to an ordinance governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the real property is being sold, recorded with the real property as a condition of the sale.

Sec. 2.320 Sale or lease of real property owned by City: Sale of parcels less than 25,000 square feet.

1. The City Council may sell, lease or otherwise dispose of parcels of property owned by the City if the parcel is less than 25,000 square feet and one of the following conditions is met:
   (a) The parcel is a remnant that was separated from its original parcel due to the construction of a public infrastructure, public utility or other public facility;
   (b) The parcel is, as a result of its size, too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the parcel; or
   (c) The parcel is subject to a deed restriction prohibiting the use of the parcel by anyone other than the person who owns real property adjacent to the parcel.

2. If any of the conditions in subsection 1 is satisfied, the City Council may sell, lease or otherwise dispose of the parcel, subject to the following conditions:
   (a) The City Council must adopt a resolution stating that it is in the best interest of the City to sell, lease or otherwise dispose of the parcel:
      (1) Without offering the parcel to the public; and
      (2) For less than the fair market value of the parcel, if applicable;
   (b) The City Council must obtain an appraisal;
   (c) The City Council must publish a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the parcel proposed to be sold or leased in such a manner as to make the parcel identifiable; and
   (d) The City Council must hold a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. If a parcel is sold or leased in violation of this section:
   (a) The sale or lease is void; and
   (b) Any change to an ordinance governing the zoning or use of the parcel is void if the change takes place within 5 years after the date of the
sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the parcel is being sold, recorded with the parcel as a condition of the sale.

Sec. 2.330 Sale or lease of real property owned by City: Sale of property less than 25,000 square feet.

1. The City Council may sell or lease any building or portion thereof or any other real property owned by the City that is less than 25,000 square feet if the City Council adopts a resolution stating that it is in the best interest of the City to sell or lease the real property:
   (a) Without offering the real property to the public; and
   (b) For less than the fair market value of the real property, if applicable.

2. The City Council shall:
   (a) Obtain an appraisal only if the real property is being sold;
   (b) Publish a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and
   (c) Hold a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. If real property is sold or leased in violation of this section:
   (a) The sale or lease is void; and
   (b) Any change to an ordinance governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the sale or lease, unless any such change applies to all real property within the applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the real property is being sold, recorded with the real property as a condition of the sale.

Sec. 2.340 Sale or lease of real property owned by City: Sale or lease for purpose of economic development or redevelopment.

1. The City Council may sell, lease or otherwise dispose of real property for the purposes of economic development or redevelopment:
   (a) Without first offering the real property to the public; and
   (b) For less than the fair market value of the real property.

2. The City Council may adopt an ordinance or approve a resolution enabling the establishment of criteria for the disposal of real property for the purposes of economic development or redevelopment.

3. Before the City Council may sell, lease or otherwise dispose of real property pursuant to this section, the City Council must:
(a) Obtain two appraisals of the real property;
(b) Adopt a resolution finding that it is in the best interests of the public
   to sell, lease or otherwise dispose of the real property:
   (1) Without offering the real property to the public; and
   (2) For less than the fair market value of the real property; and
(c) Adopt a resolution finding that the sale or lease is consistent with
   any ordinances and resolutions adopted by the City Council regarding the
   disposal of real property for the purposes of economic development or
   redevelopment.

4. If real property is sold, leased or otherwise disposed of in violation of
   this section:
   (a) The sale or lease is void; and
   (b) Any change to an ordinance governing the zoning or use of the real
       property is void if the change takes place within 5 years after the date of the
       sale or lease, unless any such change applies to all real property within the
       applicable zoning district.

5. The provisions of paragraph (b) of subsection 4 must be included as
   part of an applicable lease or, if the real property is being sold, recorded
   with the real property as a condition of the sale.

6. As used in this section:
   (a) “Economic development” has the meaning ascribed to it in NRS
       268.063.
   (b) “Redevelopment” has the meaning ascribed to it in NRS 279.408.

Sec. 2.350 Sale or lease of real property owned by City: Public
   auctions. If the City Council intends to sell or lease any real property at a
   public auction, the City Council shall follow the process established
   pursuant to NRS 268.062.

Sec. 2.360 Sale or lease of real property owned by City: Use of services
   of real estate agency or real estate professional.
1. The City Council may decide by resolution to retain the services of a
   real estate agency or real estate professional to sell or lease real property
   pursuant to sections 2.300 to 2.360, inclusive, and may compensate the real
   estate agency or real estate professional for such services.
2. If the City Council desires to sell real property that is 25,000 square
   feet or larger, the City may retain the services of a real estate agency or
   real estate professional to sell the real property if the following conditions
   are met:
   (a) The City Council adopts a resolution stating that it is in the best
       interest of the City to sell, lease or otherwise dispose of the real property by
       using the services of a real estate agency or real estate professional to offer
       the real property to the public;
   (b) The City Council obtains two appraisals, the average of which
       establishes the minimum price for the sale of the real property;
   (c) The City Council lists the real property for sale for not less than the
       value established pursuant to paragraph (b);
(d) The City Council publishes a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and

(e) The City Council holds a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.

4. A real estate agency or real estate professional that provides services pursuant to this section shall present all offers to purchase the real property to the City Council. If the City Council does not accept an offer and enter into a purchase and sale agreement for the real property within 45 days after the offer is made, the offer shall be deemed to be rejected.

Sec. 2.370 Redevelopment of communities. Except as otherwise provided in this Charter:

1. All transactions involving land are subject to the requirements set forth in chapter 268 of NRS, as amended from time to time.

2. All transactions involving land that are subject to the provisions of chapter 279 of NRS must comply with all the requirements set forth in chapter 279 of NRS, as amended from time to time.

ARTICLE III
Executive Department

Sec. 3.010 Mayor: Qualifications; duties; election; term of office; salary; Mayor pro tempore.

1. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

2. The Mayor:

(a) Shall preside over the meetings of the City Council, but may not vote except in the case of breaking a tie vote. While presiding over a meeting, the Mayor shall preserve order and decorum among the members and enforce the rules of the City Council and determine the order of business, subject to those rules and appeal to the City Council, or as provided by ordinance.

(b) Must be recognized as the official head of the City Government for all ceremonial purposes and for the performance of all duties lawfully delegated to the Mayor by this Charter, by action of the City Council or by any law.
(c) Has the authority to declare emergencies as necessary to protect the general health, welfare and safety of the City. Any such declaration of emergency:

1. May include a provision authorizing the Mayor to act as the chief executive officer of all affairs of the City during the emergency; and
2. Must be reviewed by the City Council at its next meeting.

(d) Shall provide an annual address to the City Council during the first quarter of each year relating to the state of the City, and recommend such measures as the Mayor may deem beneficial to the City.

(e) Shall take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances, for which purpose the Mayor may, if the City is not participating in a metropolitan police department, appoint extra police officers temporarily and use and command the police force. If the City is participating in a metropolitan police department, the Mayor may request law enforcement assistance from the sheriff. In either case, if local law enforcement forces are inadequate, the Mayor shall call upon the Governor for military aid in the manner provided by law.

(f) Shall sign all licenses and warrants and claims against the City.

(g) May, subject to ratification by the City Council:

1. Appoint himself or herself or any member of the City Council to, or remove himself or herself or any member of the City Council from, any board, commission or advisory agency if the Mayor or Council member is granted a seat on the board, commission or advisory agency because of his or her elective office; or
2. Appoint a person whom the City Council determines to be qualified to fill the seat of any person granted a seat pursuant to subparagraph (1) or remove such a qualified person from that seat.

(h) Shall, with the advice and consent of the City Council, appoint the City Manager and City Attorney.

(i) May propose ordinances, resolutions and proclamations that the City Council shall consider.

(j) Shall perform such other duties as the City Council prescribes by ordinance.

3. The Mayor may exercise the right of veto upon all matters passed by the City Council, but has no power to exercise a line-item veto. To pass any matter receiving the Mayor’s veto requires a four-fifths vote of the City Council.

4. No resolution or contract requiring the payment of money approved by the City Council or any ordinance may go into force or have any effect until approved in writing by the Mayor or his or her authorized designee, unless passed over the Mayor’s veto. If the Mayor does not approve the resolution, contract or ordinance so submitted, the Mayor shall, within 5 days after the receipt thereof, return it to the City Clerk with his or her reasons in writing for not approving it. If the Mayor does not so return it,
the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the Mayor.

5. Any of the duties set forth in subsection:
   (a) Subsection 2 or 4, other than the duties set forth in paragraph (c) or (f) of subsection 2, may be delegated to the Mayor pro tempore by the Mayor administratively.
   (b) Paragraph (c) or (f) of subsection 2 may be delegated to the City Manager by the Mayor administratively.

6. The Mayor:
   (a) Must be voted upon by the registered voters of the City at large and shall serve for a term of 4 years.
   (b) Is entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor during the term for which he or she has been elected.

7. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:
   (a) Hold such office and title, without additional compensation, during the term for which he or she was elected.
   (b) Perform the duties of Mayor during the absence or disability of the Mayor.
   (c) Act as Mayor until the City Council appoints a Mayor, if the office of Mayor becomes vacant.

Sec. 3.020 City Manager: Duties.
1. Except as otherwise provided in paragraph (b) of subsection 2 of section 3.010, the City Manager is the chief executive officer of the City and is responsible for the effective administration of the City Government.

2. The City Manager shall:
   (a) Ensure that all the general laws and ordinances of the City are enforced.
   (b) Administer and exercise supervision and control over all offices, departments and services of the City under the jurisdiction and control of the City Manager.
   (c) Except as otherwise provided in this Charter, appoint all heads or directors of departments of the City and all subordinate officers and employees, and may discipline and remove any such appointed officer or employee.
   (d) Make such recommendations to the Mayor and City Council as he or she deems appropriate concerning the operation, affairs and future needs of the City.
   (e) Attend all regular and special meetings of the City Council and may participate in the discussion of any matters pending before the City Council, but may not vote on any such matter.
(f) Ensure that all terms or conditions imposed in favor of the City or the residents of the City in any contract, franchise, lease or permit are faithfully kept and performed, and upon obtaining knowledge of any violation thereof, shall notify the City Council of such a violation.

(g) If authorized by the provisions of this Charter or an ordinance or resolution, sign all contracts, franchises, leases, permits or other documents that do not require approval of the City Council and execute on behalf of the City all contracts, franchises, leases, permits or other documents required to be executed by an officer of the City.

(h) Keep the Mayor and City Council fully advised as to the operations, financial conditions and needs of the City.

(i) Prepare and present an annual budget pursuant to the laws of this State.

(j) Perform such other duties as may be prescribed by the City Council.

3. The salary of the City Manager must be set by the City Council.

4. The City Manager may appoint such clerical and administrative assistants as he or she may deem necessary.

5. The Mayor or a Council member may not be appointed as City Manager during the term for which he or she was elected or within 1 year after the expiration of his or her term.

Sec. 3.030 City Manager: Removal. The Mayor and City Council may vote to determine whether to remove the City Manager. The City Manager may be removed for any reason, subject to any employment agreement, upon receiving four votes for removal. Such removal is not subject to the ability of the Mayor to exercise the right of veto or the ability of the City Council to override any veto.

Sec. 3.040 City Clerk: Duties. The City Clerk shall:

1. Keep the corporate seal and all books, records and historical papers belonging to the City.

2. Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

3. Enter upon the journal the result of the vote of the City Council upon the passage of all ordinances and resolutions.

4. Perform such other duties as may be required by the City Manager.

Sec. 3.050 City Attorney: Qualifications; duties.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada.

2. The City Attorney is the chief legal officer of the City and shall:

(a) Advise the City Council and all of the offices, departments and divisions of the City in all matters with respect to the affairs of the City;

(b) Prosecute any violation of law occurring within the City of Mesquite that the Nevada Revised Statutes authorize a city to prosecute;
(c) Determine whether the City should initiate any judicial or administrative proceedings; and

(d) Perform such other duties as may be designated by the City Council or prescribed by ordinance.

3. The City Attorney may employ legal counsel on a contract or full-time basis as needed by the City.

   Sec. 3.060 City Attorney: Removal. The Mayor and City Council may vote to determine whether to remove the City Attorney. The City Attorney may be removed for any reason, subject to any employment agreement, upon receiving four votes for removal. Such removal is not subject to the ability of the Mayor to exercise the right of veto or the ability of the City Council to override any veto.

   Sec. 3.070 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of Clark County is ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

   Sec. 3.080 Collection and disposition of money.

1. All fines, forfeitures or other money, except taxes collected or recovered by any employee of the City or other person pursuant to the provisions of this Charter or of any valid ordinance of the City, must be paid by the employee or person collecting or receiving them to the Director of Finance, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.

2. The City Council, City Manager or City Attorney may by proper legal action collect all money, including taxes, which are due and unpaid to the City or any office thereof, and the City Council may pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such money.

   Sec. 3.090 Interference by City Council. Except for the purpose of inquiry, the City Council and its members shall deal with employees solely through the City Manager or City Attorney, as applicable, or their designees. Neither the City Council nor any member thereof may give orders to any subordinate of the City Manager or City Attorney, either publicly or privately.

**ARTICLE IV**

**Judicial Department**

Sec. 4.010 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Court Judge and has such power and jurisdiction as is prescribed in, and is, in all
respects which are not inconsistent with this Charter, governed by, the provisions of chapter 5 of NRS.

2. The City Council may from time to time establish additional departments of the Municipal Court.

3. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Court Judge must be appointed or elected, as applicable, for each department by number.

4. The Senior Municipal Court Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Court Judge receives a majority of the votes, the Senior Municipal Court Judge is the Municipal Court Judge who has continuously served as a Municipal Court Judge for the longest period.

Sec. 4.020 Municipal Court: Appointment or election; terms of office; removal of Municipal Court Judge.

1. If the Municipal Court consists of only one department:
   (a) The Justice of the Peace for the Township of Mesquite shall be ex officio Municipal Court Judge unless the Mayor, with the advice and consent of the City Council, appoints a different person to serve as the Municipal Court Judge presiding over the department. No provision of this Charter or an ordinance may preclude the Justice of the Peace for the Township of Mesquite from also serving as the Municipal Court Judge presiding over the department.
   (b) The Mayor and City Council may vote to determine whether to remove the Municipal Court Judge. The Municipal Court Judge may be removed for any reason, subject to any employment agreement, upon receiving four votes for removal. Such removal is not subject to the ability of the Mayor to exercise the right of veto or the ability of the City Council to override any veto.

2. If the Municipal Court consists of more than one department:
   (a) Each Municipal Court Judge presiding over a department must be elected.
   (b) The term of office of each Municipal Court Judge must be staggered, with each judge serving a term of 6 years. Except as otherwise provided by law, there is no limit on the number of terms a Municipal Court Judge may serve.

Sec. 4.030 Municipal Court: Qualifications of Municipal Court Judge; salary.

1. Each Municipal Court Judge must have been a resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for seeking appointment for the office.

2. If the Municipal Court consists of only one department:
(a) Unless the City Council passes an ordinance to the contrary, the Municipal Court Judge will serve on an as-needed basis.
(b) The Municipal Court Judge must not be required to be a licensed member of the State Bar of Nevada or have any previous legal training.

3. If the City Council establishes a second or subsequent department of the Municipal Court pursuant to subsection 2 of section 4.010, each Municipal Court Judge shall devote his or her full time to the duties of his or her office and must be a duly licensed member, in good standing, of the State Bar of Nevada.

4. The salary of each Municipal Court Judge must be fixed by the City Council and be uniform for all departments in the Municipal Court. The salary may be increased during the terms for which the Judges are appointed or elected, applicable.

5. If the City Council establishes a second or subsequent department of the Municipal Court pursuant to subsection 2 of section 4.010, the department must not begin operating as a department of the Municipal Court until a qualified candidate is elected as the Municipal Court Judge who will preside over the department. Such a Municipal Court Judge must be elected during the next general municipal election following the establishment of such a department.

Sec. 4.040 Disposition of fines. All fines and forfeitures for the violation of ordinances must be paid to the Director of Finance.

ARTICLE V
Elections

Sec. 5.010 Election for City Council.
1. Candidates for City Council must be elected at large and by seat. Each Council seat must be consecutively numbered 1 through 5. The number of each Council seat is for informational purposes only and the sequencing of such seats does not grant or denote any special authority or ability.

2. Upon passage and approval of this Charter, the incumbent Council members shall draw a number by lot to determine the number assigned to each Council seat. The number assigned to each Council seat will remain until such time as this Charter is amended to provide otherwise.

3. The term of office for each Council seat must be consistent with the term of office of the incumbent Council member assigned to that seat.

4. After each Council seat has been assigned a number, any candidate for City Council shall file by seat number.

5. If:
(a) Not more than two candidates file for a seat, the names of the candidates must not be listed on the ballot for the primary municipal election and the candidates must advance directly to the general municipal election.
(b) Three or more candidates file for a seat, the names of the candidates must be listed on the ballot for the primary municipal election.

Sec. 5.020 Primary municipal election.
1. A primary municipal election must be held on the second Tuesday in June in each even-numbered year pursuant to NRS 293.175, as amended from time to time.
2. In a primary municipal election, if the number of votes a candidate receives is:
   (a) Equal to or greater than a majority of the number of voters participating in the primary election for that seat, that candidate must be declared elected and the name of the candidate must not be placed on the ballot for the general municipal election.
   (b) Less than a majority of the number of voters participating in the primary election for that seat, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.
3. For the purposes of this section, a majority of the number of voters participating in a primary municipal election for a seat is determined as follows:
   (a) If there is an even number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and adding one.
   (b) If there is an odd number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and rounding up to the nearest whole number.

Sec. 5.030 General municipal election. A general municipal election must be held in the City on the first Tuesday after the first Monday of November in each even-numbered year pursuant to NRS 293.12755, as amended from time to time.

Sec. 5.040 Applicability of state election laws; elections under City Council control.
1. All elections held under this Charter are governed by the provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent herewith.
2. The conduct of all municipal elections is under the control of the City Council.
3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.
4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 5.050 Qualifications, registration of voters.
Every person who resides within the City and who is a legally registered voter of the City is entitled to vote at each municipal election, including, without limitation, primary, general or special elections.

Nothing in this Charter shall be construed to deny or abridge the power of the City Council to provide for supplemental registration.

Sec. 5.060 Names on ballots.
1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be printed on the official ballots without party designation or symbol.
2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:
   (a) None of the candidates is an incumbent, the middle names or middle initials, if any, of both candidates must be included in their names as printed on the ballot; or
   (b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 5.070 Ballots for ordinance and Charter amendments. An ordinance or Charter amendment to be voted on in the City must be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and must be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title must appear the following question: “Shall the above described (ordinance) (amendment) be adopted?” The ballot or voting machine or device must be so marked as to indicate clearly in what manner the voter may cast his or her vote, either for or against the ordinance or amendment.

Sec. 5.080 Availability of lists of registered voters. Any person who desires a copy of a list of registered voters in the City may obtain a copy pursuant to the provisions of NRS 293.440.

Sec. 5.090 Voting machines. The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law or regulations of the Secretary of State.

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.
1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.
2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.
3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.060, the officers so elected shall qualify and enter upon the
discharge of their respective duties at the first meeting of the City Council held in December of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 5.110 Contest of election. A contested election for any municipal office must be determined according to the law of the State regulating proceedings in contested elections in political subdivisions.

ARTICLE VI
Local Improvements

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 3 of section 2.280 and section 2.290, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:
1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park or recreation projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Telephone projects;
12. Transportation projects;
13. Underground and aboveground electric and communication facilities;
14. Underpass projects;
15. Water projects;
16. Such other utility projects as are deemed necessary by the City Council; and
17. Any combination thereof.

Sec. 6.020 Local improvement law: Collateral powers. The City Council on behalf of the City for the purpose of defraying all the costs of acquiring, improving, or converting to any project authorized by section 6.010, or any portion of the cost thereof not to be defrayed with money otherwise available therefor, is vested with the powers granted to municipalities by chapters 271 and 704A of NRS, as amended from time to time, but not subject to the procedural limitations contained therein.

ARTICLE VII
Local Bonds and Franchises
Sec. 7.010 Debt limit.
1. The City shall not incur an indebtedness in excess of 25 percent of the total assessed valuation of the taxable property within the boundaries of the City.
2. In determining any debt limitation under this section, the following must be counted as indebtedness:
   (a) Any liabilities of the City that are due in more than 1 year, including, without limitation, revenue bonds, general obligation bonds and short-term securities.
   (b) Any outstanding personnel-related liabilities.
   (c) Any special assessment bonds, if the full faith and credit of the City is pledged to the payment thereof.
   (d) Any other liabilities that are identified as part of the annual audit of the City and determined by the Director of Finance to be appropriate to include as indebtedness.
3. In determining any debt limitation under this section, the following must not be counted as indebtedness:
   (a) Any special assessment bonds if the full faith and credit of the City is not pledged to the payment thereof.
   (b) Any liabilities of the City due within 1 year that are accounted for within the budget for the current fiscal year.
Sec. 7.020 Acquisition, operation of municipal utilities. Except as otherwise provided in subsection 3 of section 2.280 and section 2.290, the City may, in the manner and for the purposes provided in this Charter and the Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it either alone or jointly, with any level of government or instrumentality or subdivision thereof.
Sec. 7.030 Borrowing money.
1. Subject to the limitations imposed by this article, the City may borrow money for any corporate purpose, including, without limitation, any purpose authorized by this Charter or by the Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to all securities so issued except for securities issued under section 6.020.
2. Any property tax levied to pay the principal of or interest on such indebtedness must be levied upon all taxable property within the City as provided in NRS 350.590 to 350.602, inclusive.
3. Any ordinance pertaining to the sale or issuance of bonds or other securities, including, without limitation, securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the City Council in any ordinance that it is of this kind is conclusive in the absence of fraud or gross abuse of discretion.
ARTICLE VIII

Trusts for Furtherance of Public Functions

Sec. 8.010. Trusts for furtherance of public functions: Authorization to create; purposes; eligible beneficiaries; power of beneficiary to lease trust property.

1. Express trusts may be created in real or personal property, or either or both, or in any estate or interest in either or both, with the City as the beneficiary thereof, and the purpose thereof may be the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the beneficiary, but no funds of the beneficiary derived from sources other than the trust property, or the operation thereof, may be charged with or expended for the execution of the trust, except by express action of the legislative authority of the beneficiary first had.

2. The officers or any other governmental agencies or authorities having the custody, management or control of any property, real or personal or both, of the beneficiary of such trust, or of such a proposed trust, which property is necessary for the execution of the trust purposes, are hereby authorized and empowered to lease such property for such purposes, after the acceptance of the beneficial interest therein by the beneficiary as provided in this article, or conditioned upon such acceptance.

Sec. 8.020 Creation by written instrument; execution, recording of trust instrument; acceptance by beneficiary creates contract between State, grantor; duration of trust.

1. Such trusts may be created by written instruments, or by will. A written instrument must be subscribed by the grantor or grantors and duly acknowledged as conveyances of real property are acknowledged. Before the same becomes effective, the beneficial interest therein must be accepted by the governing body of the beneficiary, which power and authority of acceptance is hereby conferred upon the City Council. Thereupon the instrument or will, together with the written acceptance of the beneficial interest endorsed thereon, must be recorded in the Office of the County Recorder of each county in which is situated any real property, or any interest therein, belonging to the trust, as well as in the county where the trust property is located or its principal operations are conducted.

2. Upon the acceptance of the beneficial interest by the beneficiary as authorized in subsection 1, the same must be and constitute a binding contract between the State of Nevada and the grantor or grantors, or the executor of the estate of the testator, for the acceptance of the beneficial interest in the trust property by the designated beneficiary and the application of the proceeds of the trust property and its operation for the purposes and in accordance with the stipulations specified by the trustor or trustors.
3. Such trusts have duration for the term of duration of the beneficiary, or such shorter length of time as is specified in the instrument or will creating the trust.

Sec. 8.030 Trustees: Appointment; succession, powers; duties, terms, compensation controlled by trust instrument.

1. The instrument or will creating such trust may provide for the appointment, succession, powers, duties, term and compensation of the trustee or trustees, and in all such respects the terms of the instrument or will are controlling, except as otherwise provided in subsections 2 and 3. If the instrument or will makes no provision in regard to any of the foregoing, then the general laws of the State control as to such omission or omissions.

2. All meetings of the trustees must be open to the public to the same extent as required by chapter 241 of NRS for state and local agencies. If the trustee is a partnership, corporation or banking association, this requirement applies to that part of every meeting of the partners or directors at which trust affairs are discussed.

3. All records of the trust are public records and must be kept in a place which is identified by documents recorded in the Office of the County Recorder of each county in which the instrument creating the trust is recorded.

Sec. 8.040 Trustees: Eligibility and status; standard of care; exemption from personal liability.

1. The trustee or trustees under such an instrument or will may be two or more natural persons or a partnership, corporation, community foundation, national banking association or state banking association selected by the City Council, and such trustee or trustees must be an agency of the State and the regularly constituted authority of the beneficiary for the performance of the functions for which the trust has been created.

2. The provisions of NRS 164.700 to 164.775, inclusive, relating to the standard of care for a trustee in investing and managing trust property apply to the trustee or trustees of a trust created by a written instrument or will pursuant to this article.

3. No trustee or beneficiary may be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of such trust or in the operation of the trust property, but any act, liability for any omission or obligation of a trustee or trustees, in the execution of such trust, or in the operation of the trust property, extends to the whole of the trust estate, or so much thereof as may be necessary to discharge such liability or obligation, and not otherwise.

Sec. 8.050 Annual audit of trust funds, accounts, fiscal affairs: Requirements; distribution of copies; expenses.

1. The trustee or trustees of every trust created for the benefit and furtherance of any public function with the City as the beneficiary thereof
shall cause an audit to be made of the funds, accounts and fiscal affairs of such trust, such audit to be ordered within 30 days after the close of each fiscal year of the trust.

2. The audits required by subsection 1 must be certified with the unqualified opinion of a certified public accountant or a public accountant notwithstanding any lesser requirement by any instrument under which the trust may have covenanted for an audit to be made or furnished. One copy of the annual audit must be filed with the Legislative Auditor of the Legislative Counsel Bureau and one copy with each beneficiary of the trust not later than 90 days following the close of each fiscal year of the trust.

3. If a copy of the required audit is not filed with the Legislative Auditor of the Legislative Counsel Bureau within the time provided, the Legislative Auditor is authorized to employ, at the cost and expense of the trust, a certified public accountant or a public accountant to make the required audit.

4. The necessary expense of such audits, including the cost of typing, printing and binding, must be paid from funds of the trust.

Sec. 8.060 Franchise not required for acquisition, ownership or operation of trust property. No franchise is required for the acquisition, ownership or operation of any properties of a trust created for the benefit and furtherance of any public function.

Sec. 8.070 Approval of certain contracts and resolutions required. The trustees shall not enter into contracts for the acquisition or construction of buildings or public improvements or for the acquisition or disposal of trust properties by purchase, lease, gift, bequest or devise or any other lawful means until such contract is first approved by the City Council by ordinance. The City Council shall so approve the resolution providing for the issuance of bonds or other securities to be issued by the trustees and proposed terms of sale thereof, but is not required to approve the award of such bonds to the purchaser thereof if such bonds are sold in compliance with the resolution of issuance and terms of sale.

Sec. 8.080 Approval of financing method, underwriters by State Board of Finance. The State Board of Finance shall first review and approve the method of finance proposed by any trust created pursuant to the former provisions of NRS 242B.010 to 242B.100, inclusive, or the provisions of this article, and must approve the underwriter or financial institution preparing and offering the proposed issue for sale, as to the financial responsibility of such underwriter or financial institution, before such issue may be offered or sold.

Sec. 8.090 Exemption from securities laws.
1. The provisions of the State Securities Law, the Local Government Securities Law, the University Securities Law, or any other general, special or local statute relating to the issuance of public securities or other debt obligations do not apply to a trust created for the benefit and furtherance of any public function.
2. All bonds issued by any trust created for the benefit and furtherance of any public function must:

(a) Be sold at public or private sale, as determined by the trustees and approved by the City Council. If the bonds are offered at public sale, but no satisfactory bids are received from responsible bidders at the public sale, the bonds may be sold at private sale.

(b) Be secured:

(1) By property, real or personal or both, having a market value equal to at least twice the principal amount of the bonds sold; or

(2) By gross revenues from an existing revenue producing facility equal to at least one and one-half times the average annual debt service payable on the bonds.

Sec. 8.100 Competitive bidding not required. Except as otherwise provided in section 8.090, no statute, general, special or local, requiring competitive bidding applies to a trust created for the benefit and furtherance of a public function.

Sec. 8.110 Rejection of contribution to trust. A trustee may reject any contribution to a trust created for the benefit and furtherance of a public function that the trustee deems not to be in the best interest of the trust. If the trustee rejects any contribution, the trustee shall provide notice of the rejection in writing.

Sec. 8.120 Termination of trust. Any trust created for the benefit and furtherance of a public function may be terminated by agreement of the trustee, or if there is more than one, then all of the trustees, and the governing body of the beneficiary, with the approval of the Governor of the State of Nevada, but such trust must not be terminated while there exists outstanding any contractual obligations chargeable against the trust property, which, by reason of such termination, might become an obligation of the beneficiary of such trust.

ARTICLE IX

Revenue

Sec. 9.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and county purposes, levy a tax at a rate allowable under applicable provisions of the Nevada Revised Statutes upon the assessed value of all real and personal property within the City except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied must be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of state and county taxes. The revenue laws of the State, in every respect not inconsistent with the provisions of
this Charter, are applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of equalization of assessments, the rights of the City and the inhabitants thereof must be protected in the same manner and to the same extent by the action of the county board of equalization as are the State and county.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties must, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it may deem necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 9.020 Revenue ordinances. The City Council may pass and enact all ordinances necessary to carry into effect the revenue laws in the City and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

ARTICLE X

Miscellaneous Provisions

Sec. 10.010 Severability of provisions. If any portion of this Charter is held to be unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portion of this Charter. The Legislature hereby declares that it would have passed this Charter and each portion thereof, irrespective of the portion which may be deemed unconstitutional or otherwise invalid.

Sec. 10.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City before the enactment of this Charter are vested in the City on July 1, 2017. No right or liability, either in favor of or against the City existing at the time of becoming incorporated under this Charter, and no action or prosecution is affected by such change, but it stands and progresses as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of the City so becoming incorporated under this Charter, such remedy is cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City before July 1, 2017, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter does not effect any change in the legal identity of the City.
5. The enactment of this Charter must not be construed to repeal or in any way affect or modify:
   (a) Any special, local or temporary law.
   (b) Any law or ordinance making an appropriation.
   (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
   (d) The running of the statute of limitations in force at the time this Charter becomes effective.
   (e) Any bond of any public officer.

Sec. 10.030 Relations between City and public employees. For the purposes of chapter 288 of NRS, a budgeted ending fund balance in the general fund of not more than 25 percent of the total budgeted expenditures, less capital outlay:
   1. Is not subject to negotiations with an employee organization; and
   2. Must not be considered by a fact finder or arbitrator in determining the financial ability of the City to pay compensation or monetary benefits.

Sec. 2. This act becomes effective:
   1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and
   2. On July 1, 2017, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.
Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 816.
AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to require certain utilities which supply electricity in this State to provide an overview of the utility’s resource plan or any amendment to the resource plan at least 4 months before filing the plan or within a reasonable period before filing the amendment; requiring the Commission to give preference to certain measures and sources of supply when determining the adequacy of a resource plan; requiring the Commission to consider the cost of such measures and sources of supply to the utility’s customers when making such a determination; requiring the Commission to include its justification for [not giving preference] the preferences given to such measures and sources of supply in certain orders approving or modifying a resource plan or an amendment to such a plan; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:
Existing law establishes provisions governing public hearings on the adequacy of a utility’s plan to increase its supply of electricity or decrease the demands made on its system. Existing law also authorizes the Commission, in determining the adequacy of a utility’s plan, to give preference to the measures and sources of supply that meet certain criteria, including providing the greatest economic and environmental benefits to the State and providing the greatest opportunity for the creation of new jobs in this State. (NRS 704.746)

Section 1 of this bill requires the Public Utilities Commission of Nevada to require a utility which supplies electricity in this State to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons at least 4 months before filing a resource plan or within a reasonable period before filing an amendment to an existing plan to provide an overview of the plan or amendment.

Section 6 of this bill requires the Commission to give preference to those measures and sources of supply that provide the greatest economic and environmental benefits to the State, as well as those that provide for diverse electricity supply portfolios and which reduce customer exposure to price volatility of fossil fuels and the potential costs of carbon. Under section 6, in determining the preference given to such measures and sources of supply, the Commission is required to consider the cost of those measures and sources of supply to the customers of the electric utility. Section 6.5 of this bill requires any order of the Commission accepting or modifying a utility’s plan or an amendment to such plan to include the Commission’s justification for not giving preference to those measures and sources of supply.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Commission shall require each utility which supplies electricity in this State, not less than 4 months before filing a plan required pursuant to NRS 704.741, or within a reasonable period before filing an amendment to such a plan pursuant to NRS 704.751, to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

Sec. 2. NRS 704.032 is hereby amended to read as follows:

704.032 The Office of Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for Economic Development
developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053. The Office of Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, and section 1 of this act or 704.991.

Sec. 3. NRS 704.635 is hereby amended to read as follows:

704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.754, inclusive, and section 1 of this act or 704.9901 is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and desist from any operation in violation of NRS 704.005 to 704.754, inclusive, and section 1 of this act or 704.9901. The Commission shall enforce the order under the powers vested in the Commission by NRS 704.005 to 704.754, inclusive, and section 1 of this act or 704.9901 or other law.

Sec. 4. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, and section 1 of this act, 704.9901 and 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;
2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, and section 1 of this act, 704.9901 and 704.999 to 704.999, inclusive, or by the Commission pursuant to NRS 704.005 to 704.754, inclusive, and section 1 of this act, 704.9901 and 704.993 to 704.999, inclusive;
3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, and section 1 of this act, 704.9901 and 704.999 to 704.999, inclusive;
4. Fails to obey any order, decision or regulation of the Commission;
5. Procures, aids or abets any person in the failure to obey the order, decision or regulation; or
6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, and section 1 of this act, 704.9901 and 704.999 to 704.999, inclusive,

shall be fined not more than $500.

Sec. 5. NRS 704.736 is hereby amended to read as follows:

704.736 The application of NRS 704.736 to 704.754, inclusive, and section 1 of this act is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.
Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;
(2) Pooling of power;
(3) Purchases of power from neighboring states or countries;
(4) Facilities that operate on solar or geothermal energy or wind;
(5) Facilities that operate on the principle of cogeneration or hydrogeneration;
(6) Other generation facilities; and
(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;
(b) Are consistent with the provisions of this section;
(c) Provide levels of service that are adequate and reliable; and
(d) Provide the greatest opportunity for the creation of new jobs in this State; and
(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.
In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility.

6. The Commission shall:
   (a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and
   (b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:
   (a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and
   (b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:
   (a) The cost to the customers of the electric utility to implement the plan;
   (b) Whether the plan provides the greatest economic benefit to this State;
   (c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and
   (d) Whether the plan represents the best value to the customers of the electric utility.

Sec. 6.5. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:
   (a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and
   (b) Within 180 days for all portions of the plan not described in paragraph (a).

If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.
If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or
(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan [that does not give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746] must include the justification of the Commission for [not giving preference to those] preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

All prudent and reasonable expenditures made to develop the utility’s plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility’s customers.

The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, “capacity” means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

Sec. 7. Notwithstanding the provisions of section 1 of this act, the 4-month period described in that section does not apply to a utility which supplies electricity in this State which is required to file a plan pursuant to NRS 704.741 on or before the date that is 4 months after the effective date of
this act. The Public Utilities Commission of Nevada shall require such a utility to conduct the meeting required by section 1 of this act within a reasonable period before the date on which the utility is required to file the plan pursuant to NRS 704.741.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that upon return from the printer, Senate Bill No. 65 be placed on the Chief Clerk’s desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 71.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 716.

SUMMARY—Revises provisions relating to medical facilities for the dependent and certain other facilities. (BDR 40-183)

AN ACT relating to health care; making certain provisions relating to the licensing and regulation of a medical facility applicable to a program of hospice care; revising the definition of the term “psychiatric hospital”; requiring persons who operate or work for psychiatric residential treatment facilities and certain psychiatric hospitals to undergo a criminal background check; revising certain administrative penalties; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to take certain actions concerning a facility required by regulation of the State Board of Health to be licensed; amending the procedure by which the Division of Public and Behavioral Health of the Department of Health and Human Services may impose a penalty or seek an injunction against certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law requires: (1) each medical facility to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services according to standards adopted by the State Board of Health except in certain circumstances; and (2) each program of hospice care to be licensed by the State Board of Health. (NRS 449.030, 449.0302) Section 1 of this bill includes a program of hospice care in the definition of “medical
facility” for the purposes of the provisions relating to licensing, and section 3 of this bill removes the separate licensing requirement for a program of hospice care. Sections 1 and 3 therefore provide for a program of hospice care to be licensed and regulated in the same manner as a medical facility. Sections 4-8, 13, 14, 17 and 18 of this bill make conforming changes.

Section 2 of this bill amends the definition of “psychiatric hospital” to remove the requirement that a hospital for the diagnosis, care and treatment of mental illness must provide residential care in order to be considered a psychiatric hospital.

Existing law: (1) requires persons who apply for a license to operate certain facilities, hospitals, agencies, programs or homes and persons employed to work for such a facility, hospital, agency, program or home to undergo a criminal background check; and (2) prohibits a person from being licensed to operate or employed to work for such a facility, hospital, agency, program or home if he or she has been convicted of certain crimes. (NRS 449.089, 449.119-449.125, 449.174) Sections 8, 9-12 and 15 of this bill provide that persons who apply for a license to operate a psychiatric hospital that provides inpatient services to children or a psychiatric residential treatment facility and persons employed to work at such a psychiatric hospital or a psychiatric residential treatment facility are subject to those provisions. Sections 1.6, 1.9, 3-8, 13, 17 and 18 of this bill make conforming changes.

Existing law authorizes the State Board of Health to adopt regulations requiring the licensing of facilities that provide medical care or treatment that are not required by statute to be licensed. (NRS 449.0303) Section 4 of this bill clarifies that such facilities are not required to be licensed if they are operated by the United States Government. Sections 7.3, 7.6, 8.5, 12.5 and 14 of this bill provide for the inspection of, issuance of a provisional license to and imposition of discipline against such a facility under the same circumstances as a medical facility or facility for the dependent. Section 14.6 of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to take control of and ensure the safety of the medical records of such a facility if the facility ceases to operate.

Existing law: (1) authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to impose a maximum administrative penalty of $1,000 per day against a medical facility or facility for the dependent that violates certain provisions of law; and (2) establishes the minimum and maximum authorized amounts of such a penalty for a violation relating to the health or safety of a patient. (NRS 449.163) Section 14 of this bill: (1) additionally authorizes the imposition of administrative penalties against a facility that is required by the regulations of the Board to be licensed; (2) increases the maximum civil penalty imposed for any violation to $5,000 per day; and (2) removes the minimum and maximum penalty for a violation relating to the health or safety of a patient.
The general penalty provisions would apply to any violation relating to the health and safety of a patient. **Section 14.3 of this bill requires the Board to adopt regulations establishing an administrative penalty to be imposed when a facility commits a violation that causes harm or a risk of harm to more than one person.**

Existing law prescribes the procedure by which the Division may impose a civil penalty or seek an injunction against a person operating a medical facility or a facility for the dependent without a license and the amount of a civil penalty that may be imposed against such a person. (NRS 449.210, 449.220) Existing law also prescribes a different procedure by which the Division may impose a civil penalty or seek an injunction against a person operating a facility for refractive surgery without a license and the amount of a civil penalty that may be imposed against such a person. (NRS 449.24897) **Sections 16 and 19** of this bill standardize the procedure by which the Division may seek an injunction and the imposition of a civil penalty against a person operating a medical facility, including a facility for refractive surgery, or a facility for the dependent or a facility that is required by the regulations of the Board to be licensed without a license and the amount of the civil penalty that may be imposed against such a person. **Section 16 also eliminates certain uses for money collected from persons found to have operated a medical facility, or a facility for the dependent or a facility that is required by the regulations of the Board to be licensed** without a license.

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

**Section 1.** Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.

Sec. 1.3. As used in NRS 449.030 to 449.240, inclusive, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.6. As used in NRS 449.119 to 449.125, inclusive, and section 1.9 of this act, unless the context otherwise requires, the words and terms defined in NRS 449.119 and section 1.9 of this act have the meanings ascribed to them in those sections.

Sec. 1.9. “Psychiatric residential treatment facility” means a facility, other than a hospital, that provides a range of psychiatric services to treat residents under the age of 21 years on an inpatient basis under the direction of a physician.

Sec. 2. NRS 449.0165 is hereby amended to read as follows:

449.0165 “Psychiatric hospital” means a hospital for the diagnosis, care and treatment of mental illness which provides 24-hour residential care.
Sec. 3. NRS 449.030 is hereby amended to read as follows:

449.030 Except as otherwise provided in NRS 449.03013 and 449.03015, no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.030 to 449.2428, inclusive.

2. Unless licensed as a facility for hospice care, a person, state or local government or agency thereof shall not operate a program of hospice care without first obtaining a license for the program from the Board, and sections 1.3, 1.6 and 1.9 of this act.

Sec. 4. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, or facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 5. NRS 449.0302 is hereby amended to read as follows:

449.0302 The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, and for programs of hospice care, and sections 1.3, 1.6 and 1.9 of this act.

(b) Regulations governing the licensing of such facilities.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act.
2. The Board shall adopt separate regulations governing the licensing and operation of:
   (a) Facilities for the care of adults during the day; and
   (b) Residential facilities for groups, which provide care to persons with Alzheimer’s disease.
3. The Board shall adopt separate regulations for:
   (a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.
   (b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.
   (c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.
4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.
5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.
6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:
   (a) The ultimate user’s physical and mental condition is stable and is following a predictable course.
   (b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.
   (c) A written plan of care by a physician or registered nurse has been established that:
      (1) Addresses possession and assistance in the administration of the medication; and
      (2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.
   (d) The prescribed medication is not administered by injection or intravenously.
   (e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.
7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential
facility for groups shall not claim that it provides “assisted living services” unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident’s stay at the facility.

(b) The residents of the facility reside in their own living units which:
   (1) Except as otherwise provided in subsection 8, contain toilet facilities;
   (2) Contain a sleeping area or bedroom; and
   (3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:
   (1) The facility is designed to create a residential environment that actively supports and promotes each resident’s quality of life and right to privacy;
   (2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident’s individual needs;
   (3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident’s personal choice of lifestyle;
   (4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident’s need for autonomy and the right to make decisions regarding his or her own life;
   (5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;
   (6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and
   (7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:
   (a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and
   (b) The exception, if granted, would not:
(1) Cause substantial detriment to the health or welfare of any resident of the facility;
(2) Result in more than two residents sharing a toilet facility; or
(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:
(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;
(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;
(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and
(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:
(a) Facilities that only provide a housing and living environment;
(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and
(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, “living unit” means an individual private accommodation designated for a resident within the facility.

Sec. 6. NRS 449.0305 is hereby amended to read as follows:
449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.
2. The Board shall adopt:
(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;
(b) Standards relating to the fees charged by such businesses;
(c) Regulations governing the licensing of such businesses; and
(d) Regulations establishing requirements for training the employees of such businesses.
3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:
   (a) Refer a person to a residential facility for groups that is not licensed.
   (b) Refer a person to a residential facility for groups if the business or its employee knows or reasonably should know that the facility, or the services provided by the facility, are not appropriate for the condition of the person being referred.
   (c) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

   A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and sections 1.3, 1.6 and 1.9 of this act and 449.435 to 449.965, inclusive, and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act on October 1, 1999.
449.0303 to be licensed. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal.

2. Upon receipt of a complaint against a medical facility, or facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other medical facility, or facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.030 to 449.245, inclusive, and sections 1.3, 1.6 and 1.9 of this act.

Sec. 7.6. NRS 449.0308 is hereby amended to read as follows:

449.0308 1. Except as otherwise provided in this section, the Division may charge and collect from a medical facility, or facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed or a person who operates such a facility without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act including, without limitation, the actual cost of conducting an inspection or investigation of the facility.

2. The Division shall not charge and collect the actual cost for enforcement pursuant to subsection 1 if the enforcement activity is:
   (a) Related to the issuance or renewal of a license for which the Board charges a fee pursuant to NRS 449.050 or 449.089; or
   (b) Conducted pursuant to an agreement with the Federal Government which has appropriated money for that purpose.

3. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act and the regulations adopted pursuant thereto.

Sec. 8. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:
   (a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act or the standards and regulations adopted by the Board;
(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or
(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 [482.58] or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and sections 1.6 and 1.9 of this act and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, program, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 8.5. NRS 449.091 is hereby amended to read as follows:

449.091 1. The Division may cancel the license of a medical facility, or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed and issue a provisional license, effective for a period determined by the Division, to such a facility if:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act and the Division determines that the facility requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or
(b) Has failed to comply with the standards or regulations and the Division determines that the facility is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or
suspending any license where the Division deems such action necessary for the health and safety of the occupants of any facility.

Sec. 9. NRS 449.119 is hereby amended to read as follows:

449.119  [As used in NRS 449.119 to 449.125, inclusive, “facility,”

“Facility,” hospital, agency, program or home” means an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a peer support recovery organization, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.

Sec. 10. NRS 449.122 is hereby amended to read as follows:

449.122  1. Each applicant for a license to operate a facility, hospital, agency, program or home shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report.

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the administrator of the facility, hospital, agency, program or home, if any, and the Division of whether the applicant has been convicted of such a crime.

3. A person who holds a license to operate a facility, hospital, agency, program or home which provides residential services to children, a psychiatric hospital that provides inpatient services to children or a psychiatric residential treatment facility shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for a report required by this section at least once every 5 years after the initial investigation.

Sec. 11. NRS 449.123 is hereby amended to read as follows:

449.123  1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate a facility, hospital, agency, program or home shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in NRS 449.174;
(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in NRS 449.174; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in NRS 449.174.

3. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the administrator of, or the person licensed to operate, a facility, hospital, agency, program or home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee,
employee of the temporary employment service or independent contractor of
a crime listed in NRS 449.174;
   (b) An agency, board or commission that regulates an occupation or
profession pursuant to title 54 of NRS or temporary employment service has,
within the immediately preceding 5 years, submitted the fingerprints of the
employee, employee of the temporary employment service or independent
contractor to the Central Repository for Nevada Records of Criminal History
for submission to the Federal Bureau of Investigation for its report; and
   (c) The report of the Federal Bureau of Investigation indicated that the
employee, employee of the temporary employment service or independent
contractor has not been convicted of any crime set forth in NRS 449.174.
4. The administrator of, or the person licensed to operate, a facility,
hospital, agency, program or home shall ensure that the information
concerning the background and personal history of
   (a) Except as otherwise provided in subsection 2, is completed as soon as
practicable, and if residential services are provided to children or the
facility is a psychiatric hospital that provides inpatient services to children
or a psychiatric residential treatment facility, before the employee,
employee of the temporary employment service or independent contractor
provides any care or services to a child in the facility, hospital, agency,
program or home without supervision; and
   (b) At least once every 5 years after the date of the initial investigation.
5. The administrator or person shall, when required:
   (a) Obtain one set of fingerprints from the employee, employee of the
temporary employment service or independent contractor;
   (b) Obtain written authorization from the employee, employee of the
temporary employment service or independent contractor to forward the
fingerprints obtained pursuant to paragraph (a) to the Central Repository for
Nevada Records of Criminal History for submission to the Federal Bureau of
Investigation for its report; and
   (c) Submit the fingerprints to the Central Repository for Nevada Records
of Criminal History or, if the fingerprints were submitted electronically,
obtain proof of electronic submission of the fingerprints to the Central
Repository for Nevada Records of Criminal History.
6. Upon receiving fingerprints submitted pursuant to this section, the
Central Repository for Nevada Records of Criminal History shall determine
whether the employee, employee of the temporary employment service or
independent contractor has been convicted of a crime listed in NRS 449.174
and immediately inform the Division and the administrator of, or the person
licensed to operate, the facility, hospital, agency, program or home at which
the person works whether the employee, employee of the temporary
employment service or independent contractor has been convicted of such a
crime.
7. The Central Repository for Nevada Records of Criminal History may impose a fee upon a facility, hospital, agency, program or home that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The facility, hospital, agency, program or home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the facility, hospital, agency, program or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The facility, hospital, agency, program or home may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. A facility, hospital, agency, program or home shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services at the facility, hospital, agency, program or home based upon the results of an investigation conducted pursuant to this section.

8. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in NRS 449.174, is guilty of a misdemeanor.

Sec. 12. NRS 449.125 is hereby amended to read as follows:

449.125 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of a facility, hospital, agency, program or home:
   (a) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174; or
   (b) Has had a substantiated report of abuse or neglect made against him or her, if he or she is employed at a facility, hospital, agency, program or home that provides residential services to children \[footnote: a psychiatric hospital that provides inpatient services to children \] or a psychiatric residential treatment facility,

the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the facility, hospital, agency, program or home after allowing the person time to correct the information as required pursuant to subsection 2.

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary
employment service or independent contractor may immediately inform the facility, hospital, agency, program or home or temporary employment service. The facility, hospital, agency, program, home or temporary employment service that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. A facility, hospital, agency, program or home that has complied with NRS 449.123 may not be held civilly or criminally liable based solely upon the ground that the facility, hospital, agency, program or home allowed an employee, employee of a temporary employment service or independent contractor to work:
   (a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision before such information is received;
   (b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision during such period;
   (c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or
   (d) Any combination thereof.

A facility, hospital, agency, program or home may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 12.5. NRS 449.132 is hereby amended to read as follows:

449.132 Every medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed may be inspected at any time, with or without notice, as often as is necessary by:

1. The Division of Public and Behavioral Health to ensure compliance with all applicable regulations and standards; and

2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.

Sec. 13. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act upon any of the following grounds:
   (a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, and sections 1.3, 1.6 and 1.9 of this act.
1.3, 1.6 and 1.9 of this act, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and sections 1.3, 1.6 and 1.9 of this act and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 14. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, [or facility]
which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed, violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, and section 1 of this act, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

1. It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

2. Improvements are made to correct the violation.

3. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

4. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney’s fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, and section 1 of this act, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and section 1 of this act, and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.
Sec. 14.3. NRS 449.165 is hereby amended to read as follows:

449.165 The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449.163. These regulations must:
1. Prescribe the circumstances and manner in which each sanction applies;
2. Minimize the time between identification of a violation and the imposition of a sanction;
3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations;
4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations;
5. Establish an administrative penalty to be imposed if a violation by a medical facility, facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed causes harm or the risk of harm to more than one person.

Sec. 14.6. NRS 449.171 is hereby amended to read as follows:

449.171 1. If the Division suspends the license of a medical facility, or a facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to the provisions of this chapter, or if a facility otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the medical records of the facility.
2. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:
   (a) Maintain the confidentiality of the medical records obtained pursuant to subsection 1.
   (b) Share medical records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the facility or to license the owners or employees of the facility.
   (c) Release a medical record obtained pursuant to subsection 1 to the patient or legal guardian of the patient who is the subject of the medical record.
3. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any medical records under the control of the Division pursuant to subsection 1 and for payment by the facility of the cost of maintaining medical records.

Sec. 15. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program
or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:
   (1) Murder, voluntary manslaughter or mayhem;
   (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
   (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
   (4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;
   (5) A crime involving domestic violence that is punished as a felony;
   (6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;
   (7) Abuse or neglect of a child or contributory delinquency;
   (8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;
   (9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
   (10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;
   (11) A violation of any provision of NRS 422.450 to 422.590, inclusive;
   (12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;
   (13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;
   (14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or
   (15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children or is a psychiatric hospital that provides inpatient services to children or is a psychiatric residential treatment facility.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide
personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a peer support recovery organization if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:
   (a) “Domestic violence” means an act described in NRS 33.018.
   (b) “Facility, hospital, agency, program or home” has the meaning ascribed to it in NRS 449.119.
   (c) “Medicaid” has the meaning ascribed to it in NRS 439B.120.
   (d) “Medicare” has the meaning ascribed to it in NRS 439B.130.

Sec. 16. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308 [except as otherwise provided in subsection 2 and NRS 449.24597,] and any civil penalty imposed pursuant to subsection 4, a person who operates a medical facility, [or a facility for the dependent] or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without a license issued by the Division is guilty of a misdemeanor.

2. In addition to the payment of the amount required by NRS 449.0308, if a person operates a facility for the dependent without a license issued by the Division, the Division shall:

   (a) Impose a civil penalty on the operator in the following amount:

   (1) For a first offense, $10,000.
   (2) For a second offense, $25,000.
   (3) For a third or subsequent offense, $50,000.

   (b) Order the operator, at the operator’s own expense, to move all of the persons who are receiving services in the facility for the dependent to a facility for the dependent of the same type that is licensed.

   (c) Prohibit the operator from applying for a license to operate the type of facility that the operator was found to be operating without a license. The duration of the period of prohibition must be:

   (1) For 6 months if the operator is punished pursuant to subparagraph (1) of paragraph (a).
   (2) For 1 year if the operator is punished pursuant to subparagraph (2) of paragraph (a).
   (3) Permanent if the operator is punished pursuant to subparagraph (3) of paragraph (a).

3. Before the Division imposes an administrative sanction pursuant to subsection 2, the Division shall provide the operator of a facility for the dependent with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If the operator of a facility for the dependent wants to contest the action, the operator may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Division shall hold a hearing in accordance with those
regulations. For the purpose of this subsection, it is no defense to the violation of operating a facility for the dependent without a license that the operator thereof subsequently licensed the facility in accordance with law. If the Division believes that a person is operating a medical facility or a facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without such a license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.

3. If a person does not voluntarily cease operating a medical facility or a facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without a license or apply for licensure within 30 days after the date of service of the order pursuant to subsection 2, the Division may bring an action in a court of competent jurisdiction pursuant to NRS 449.220.

4. Upon a showing by the Division that a person is operating a medical facility or a facility for the dependent or a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed without a license, a court of competent jurisdiction may:
   (a) Enjoin the person from operating the facility.
   (b) Impose a civil penalty on the operator to be recovered by the Division of not more than $10,000 for the first offense or not less than $10,000 or more than $25,000 for a second or subsequent offense.

5. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (a) (b) of subsection 4 into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and 449.935 to 449.965, inclusive, sections 1.3, 1.6 and 1.9 of this act, and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 17. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.030 to 449.2428, inclusive, and 449.935 to 449.965, inclusive, sections 1.3, 1.6 and 1.9 of this act:
   (a) Without first obtaining a license therefor; or
   (b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.
Sec. 18. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, and sections 1.3, 1.6 and 1.9 of this act, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 19. NRS 449.24897 is hereby repealed.

Sec. 20. This act becomes effective on July 1, 2017.
TEXT OF REPEALED SECTION

449.24897  Order to cease and desist operation for failure to obtain license; injunction; penalties.

1. If the Division believes that a person who is required to obtain a license pursuant to this chapter is operating a facility for refractive surgery without such a license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service.

2. An order issued pursuant to subsection 1 expires 30 days after the date of service unless the Division institutes an action in a court of competent jurisdiction seeking an injunction.

3. Upon a showing by the Division that a person is operating a facility for refractive surgery without a license issued pursuant to this chapter, a court of competent jurisdiction may:
   (a) Enjoin the person from operating the facility.
   (b) Impose a civil penalty to be recovered by the Division of not more than $10,000 for the first offense and of not less than $10,000 or more than $20,000 for a second or subsequent offense.

4. A person enjoined or penalized pursuant to subsection 3 may not apply for a license to operate a facility for refractive surgery for a period of 6 months after the date on which the court issues the injunction or penalty.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 79.
Bill read third time.
Assemblyman Flores withdrew Amendment No. 822 to Senate Bill No. 79.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 79.
Bill read third time.
Remarks by Assemblywoman Neal.
ASSEMBLYWOMAN NEAL:
Senate Bill 79 adds to the list of persons and entities authorized to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State, or a county or city clerk remain confidential.
Additionally, a nonprofit entity that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that certain personal information remain confidential.
Similarly, the bill adds those persons and entities to the list of those authorized to request that the Department of Motor Vehicles display an alternate address on the person’s driver’s license, commercial driver’s license, or identification card.

Roll call on Senate Bill No. 79:
YEAS—41.
NAYS—None.
EXCUSED—Watkins.

Senate Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 144.
Bill read third time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 892.

[CONTAINS UNFUNDED MANDATE (§§ 6.5, 76.5) ]

AN ACT relating to elections; authorizing [under certain circumstances,]
a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; [authorizing an elector to register to vote on the day of certain elections at certain polling places;] requiring the Secretary of State to [create and maintain certain application software for] ensure that a person may use [on a mobile] device to access certain information and submit certain information electronically to the Secretary of State; providing for voter preregistration by certain persons who are at least 17 years of age but less than 18 years of age; [requiring permanent polling places to remain open for certain hours on Sundays during early voting in certain counties; extending the period during which an elector can register to vote;] extending the deadline for a covered voter to use a federal postcard application to register to vote and request a military-overseas ballot; authorizing, under certain circumstances, a covered voter to request a local elections official to resend to the covered voter a military-overseas ballot; making various other changes relating to elections; [providing penalties] and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.207) Existing law prohibits a person from
Section 2 of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. Section 3 of this bill requires: (1) each board of county commissioners to provide criteria to be used for selecting such a polling place; and (2) that such polling place be approved by the board of county commissioners. Section 4 of this bill requires, with limited exception, the county clerk to publicize the location of any such polling place. Section 5 of this bill requires the county clerk to prepare a roster of eligible voters for any such polling place. Section 6 of this bill sets forth the procedure for a person to vote in person at any such polling place. Sections 19, 21-23, 25, 26, 27, 29, 62.5, 63, 66 and 67 of this bill make conforming changes. Sections 72, 74, 75 and 76 of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of a primary city or general city election. Sections 61.6 and 85.5 of this bill extend the period in which a person may register to vote for a primary, primary city, general or general city election to the Friday preceding the election. Sections 61.6 and 85.5 also extend the period in which a person may register to vote for recall and special elections until the fourth day before the election unless otherwise provided by specific law. Sections 26.4, 61.3, 63.5 and 82.4 of this bill make conforming changes.

Existing law requires the Secretary of State to maintain an Internet website for public information maintained, collected or compiled by the Secretary of State that relates to elections. (NRS 293.4687) Section 7 of this bill requires the Secretary of State to create and maintain application software that is
designed for use on a mobile device and which must include] ensure that:
(1) all public information [on that is included on the Internet website of the Secretary of State and allow] is accessible on a mobile device; and (2) a person may use a mobile device to submit any information or form relating to elections [that may be submitted] to the Secretary of State.

Section 14 of this bill authorizes certain persons who are at least 17 years of age but less than 18 years of age to preregister to vote in this State. Sections 15, 17, 18, 20, 23-25, 27, 28, 32-36, 38-44, 47-49, 52-53, 55-56, 58-61, 50-53, 55-61, 64, 65, 68-70, 80, 81, 83, 84, 85, 90-92, 97, 99 and 100 of this bill make conforming changes.

Existing law sets forth the hours for early voting at a permanent polling place by personal appearance at a primary, primary city, general or general city election. (NRS 293.3568, 293C.3568) Sections 26.6 and 82.6 of this bill require that a permanent polling place in a county whose population is 100,000 or more (currently Clark and Washoe Counties) must remain open for at least 4 hours on any Sunday that falls within the period for early voting.

Existing law generally requires a voter to sign his or her name in a roster when the voter applies to vote in person. (NRS 293.277, 293.285, 293.3585, 293C.270, 293C.275, 293C.3585) Sections 6, 23-25, 27, 27.5, 79-81, 83 and 83.5 of this bill allow a person to sign a signature card rather than a roster.

Existing law authorizes a covered voter to register to vote or request a military-overseas ballot by using a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2). (NRS 293D.230, 293D.300) Sections 93 and 94 of this bill provide that a covered voter may use the federal postcard application to register to vote or request a military-overseas ballot if the application is received by the appropriate elections official [not later than 7 days] by the seventh day before the election.

Sections 95 and 96 of this bill authorize a covered voter who does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the covered voter’s duty station, the covered voter may request that the local elections official resend the military-overseas ballot and balloting materials. The covered voter may cast the military-overseas ballot by facsimile transmission, electronic mail or the system of approved electronic transmission established by the Secretary of State. [Section 96 makes a conforming change.]

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.
Sec. 2. 1. A county clerk may [with the approval of the board of county commissioners], establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election. [Any such polling place must be at a location selected pursuant to section 3 of this act.]

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. [1. Each board of county commissioners shall provide by ordinance for the criteria to be used to select a polling place described in section 2 of this act.

2. A polling place established pursuant to section 2 of this act must:
   (a) Satisfy the criteria provided by the board of county commissioners pursuant to subsection 1; and
   (b) Be approved by the board of county commissioners at a public meeting. (Deleted by amendment.)

Sec. 4. 1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:
   (a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.
   (b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is designated as a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section [except in the case of an emergency and if approved by the Secretary of State.]

Sec. 5. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter’s name, the address where he or she is registered to vote, his or her voter identification number, the voter’s precinct or district number and [a place for] the voter’s signature.

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.
Sec. 6. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:
   (a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;
   (b) Instruct the voter to sign the roster or a signature card; and
   (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
   [d) Verify that the voter has not already voted in the current election.]
2. If the signature of the voter does not match, the voter must be identified by:
   (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
   (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
   (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.
3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.
4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.
5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.
6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:
   (a) Prepare the mechanical recording device for the voter;
   (b) Ensure that the voter’s precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and
   (c) Allow the voter to cast a vote.
7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6.5. 1. Each county clerk shall:
   (a) Designate one or more polling places in the county as a site for an elector of the county to register to vote on the day of a primary election or general election. Each polling place designated pursuant to this paragraph must be approved by the board of county commissioners.
   (b) Except as otherwise provided in subsection 2.
(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the county that has been designated pursuant to paragraph (a).

(2) Post a list of the locations designated pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of paragraphs (b) of subsection 1 do not apply if every polling place in the county is a polling place where an elector of the county may register to vote on the day of the primary election or general election.

3. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.

4. To register to vote on the day of the primary election or general election, an elector must:
   (a) Appear before the close of the polls at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;
   (b) Complete the application to register to vote; and
   (c) Provide proof of his or her identity and residence as described in subsections 5 and 6.

5. The following forms of identification may be used to identify an elector applying to vote pursuant to this section:
   (a) A driver’s license;
   (b) An identification card issued by the Department of Motor Vehicles;
   (c) A military identification card; or
   (d) Any other form of identification issued by a governmental agency which contains the signatures and a physical description or picture of the elector.

6. The following documents may be used to establish the residence of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:
   (a) Any form of identification set forth in subsection 5;
   (b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;
   (c) A bank or credit union statement;
   (d) A paycheck;
   (e) An income tax return;
   (f) A statement concerning the mortgage, rental or lease of a residence;
   (g) A motor vehicle registration;
(b) A property tax statement;
(i) Any other document issued by a governmental agency; or
(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

7. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector’s identity and residency.

8. An elector who registers to vote pursuant to this section:
(a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and
(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293.283, must sign his or her name in the roster designated for electors who register to vote pursuant to this section.

Sec. 7. 1. The Secretary of State shall [create and maintain application software] ensure that:
(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is [designed for use] accessible on a mobile device [, including, without limitation, a smartphone or tablet computer. The application software must:
(b) [Allow a] A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, a smartphone or tablet computer.

2. As used in this section "military-overseas":
(a) “Military-overseas ballot” has the meaning ascribed to it in NRS 293D.050.
(b) “Mobile device” includes, without limitation, a smartphone or a tablet computer.

Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person to register to vote pursuant to this title. A person
eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:
   (a) The person’s preregistration has been cancelled as described in subsection 7; or
   (b) Except as otherwise provided in NRS 293D.210, on the person’s 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after the person is deemed to be registered to vote.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:
   (a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.
   (b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the means for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person’s application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:
   (a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2 the person is immediately issued a voter registration card and added to the statewide voter registration list and the registrar of voters’ register; and
   (b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.
Sec. 14.5. NRS 293.095 is hereby amended to read as follows:

293.095 “Roster” means the record in printed or electronic form furnished to election board officers which contains a list of eligible voters and is to be used for obtaining the signature of each person applying for a ballot [and, except for a roster designated for electors who register to vote pursuant to section 6.5 or 76.5 of this act, contains a list of eligible voters.] (Deleted by amendment.)

Sec. 15. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 or subsection 7 of NRS 293.5235 or section 6.5 or 76.5 of this act.

Sec. 16. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk’s county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk’s county. This determination must be completed within 9 days, excluding Saturdays, Sundays, and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.025, or 206.110, and within 3 days, excluding Saturdays, Sundays, and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the
documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk’s records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:
   (a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; or
   (b) A person registers to vote pursuant to section 6.5 or 76.5 of this act; or
   (c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

   the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk’s county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk’s office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify
the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.129, 293.172, 293.200, 295.056, 298.109, 298.110, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section. [Deleted by amendment.]

Sec. 17. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:
   (a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
   (b) The form and placement of instructions to voters;
   (c) The disposition of election returns;
   (d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;
   (e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;
   (f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;
   (g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;
   (h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks


and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;
   (i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and
   (j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:
   (a) Laws and regulations concerning elections in this State;
   (b) Interpretations issued by the Secretary of State’s Office; and
   (c) Any Attorney General’s opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 18. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:
   (a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.
   (b) The procedures to be followed and the requirements of a system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:
   (a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.
   (b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter’s choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be
prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.
7. A county clerk:
   (a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.
   (b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 19. NRS 293.2546 is hereby amended to read as follows:
293.2546 The Legislature hereby declares that each voter has the right:
1. To receive and cast a ballot that:
   (a) Is written in a format that allows the clear identification of candidates; and
   (b) Accurately records the voter’s preference in the selection of candidates.
2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.
3. To vote without being intimidated, threatened or coerced.
4. To vote on election day if the voter is waiting in line to vote or register before 7 p.m. at a polling place and the voter has not already cast a vote in that election.
5. To return a spoiled ballot and is entitled to receive another ballot in its place.
6. To request assistance in voting, if necessary.
7. To a sample ballot which is accurate, informative and delivered in a
timely manner [as provided by law].
8. To receive instruction in the use of the equipment for voting during
early voting or on election day.
9. To have nondiscriminatory equal access to the elections system,
including, without limitation, a voter who is elderly, disabled, a member of a
minority group, employed by the military or a citizen who is overseas.
10. To have a uniform, statewide standard for counting and recounting
all votes accurately.
11. To have complaints about elections and election contests resolved
fairly, accurately and efficiently.

Sec. 20. NRS 293.2725 is hereby amended to read as follows:
293.2725 1. Except as otherwise provided in subsection 2, in NRS
293.3081 and 293.3083 and in federal law, a person who registers to vote
by mail or computer [to vote in this State] or a person who preregisters to vote
by mail or computer and is subsequently deemed to be registered to vote,
and who has not previously voted in an election for federal office in this
State:
   (a) May vote at a polling place only if the person presents to the election
   board officer at the polling place:
      (1) A current and valid photo identification of the person, which shows
his or her physical address; or
      (2) A copy of a current utility bill, bank statement, paycheck, or
document issued by a governmental entity, including a check which indicates
the name and address of the person, but not including a voter registration
card issued pursuant to NRS 293.517; and
   (b) May vote by mail only if the person provides to the county or city
clerk:
      (1) A copy of a current and valid photo identification of the person,
which shows his or her physical address; or
      (2) A copy of a current utility bill, bank statement, paycheck, or
document issued by a governmental entity, including a check which indicates
the name and address of the person, but not including a voter registration
card issued pursuant to NRS 293.517.
   ⇒ If there is a question as to the physical address of the person, the election
board officer or clerk may request additional information.
2. The provisions of subsection 1 do not apply to a person who:
   (a) Registers to vote by mail or computer, or preregisters to vote by mail
or computer and is subsequently deemed to be registered to vote, and
submits with an application to preregister or register to vote:
      (1) A copy of a current and valid photo identification; or
      (2) A copy of a current utility bill, bank statement, paycheck, or
document issued by a governmental entity, including a check which indicates
the name and address of the person, but not including a voter registration
card issued pursuant to NRS 293.517;
(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver’s license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 21. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever Except as otherwise provided in this subsection, whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. [The provisions of this subsection does not apply to a polling place established pursuant to section 2 of this act for designated pursuant to section 6.5 of this act.]

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 22. NRS 293.275 is hereby amended to read as follows:

293.275 1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. For a polling place established pursuant to section 2 or 72 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.
Sec. 23. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person’s name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person’s application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote;
(b) A driver’s license;
(c) An identification card issued by the Department of Motor Vehicles;
(d) A military identification card; or
(e) Any other form of identification issued by a governmental agency which contains the voter’s signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

Sec. 24. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster “Identified” by the voter’s name.

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster or signature card, verify the signature of the voter in the manner set forth in NRS 293.277 and verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:
(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 26. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:
(a) The voter’s employer or an agent of the voter’s employer; or
(b) An officer or agent of the voter’s labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at a polling place at which he or she is entitled to vote.

Sec. 26.2. NRS 293.305 is hereby amended to read as follows:

293.305 1. If at the hour of closing the polls there are any registered:
(a) Registered voters waiting to vote; or
(b) If the polling place has been designated pursuant to section 6.5 of this act as a site for an elector of the county to register to vote on the day of the election, persons waiting to register to vote.

* * *

2. The doors of the polling place must be closed after all such persons have been admitted to the polling place. Voting must continue until those persons have voted.

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or any other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting or voter registration.

(Deleted by amendment.)
Sec. 26.4. [NRS 293.356 is hereby amended to read as follows:]

293.356. [If a request is made in person to vote early by a registered voter [in person], including, without limitation, a registered voter who registers to vote after the beginning of the period for early voting by personal appearance, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.] (Deleted by amendment.)

Sec. 26.6. [NRS 293.3568 is hereby amended to read as follows:]

293.3568. 1. [The] Except as otherwise provided in this section, the period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.

2. [The] In a county whose population is 100,000 or more, the county clerk:

(a) Shall include any Sunday that falls within the period for early voting by personal appearance.

(b) May:

(1) Include any federal holiday that falls within the period for early voting by personal appearance.

(2) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. In a county whose population is less than 100,000, the county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

[3. ] 4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) [If] In a county whose population is 100,000 or more, on any Sunday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(d) In a county whose population is less than 100,000, if the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, [3. ] 4. during such hours as the county clerk may establish.] (Deleted by amendment.)

Sec. 26.8. [NRS 293.3572 is hereby amended to read as follows:]

293.3572. 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voti...
voting which may include, without limitation, the clerk’s office pursuant to NRS 293.3561.

2. The provisions of subsections 2, 3 and 4 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location. [Deleted by amendment.]

Sec. 27. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted in that county in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election pursuant to this section.

5. The roster for early voting or a signature card, as applicable, must contain:

(a) The voter’s name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter’s signature;
b) The voter’s precinct or voting district number, if that information is available; and

c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:
   a) Prepare the mechanical recording device for the voter;
   b) Ensure that the voter’s precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and
   c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 27.5. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:
   a) Prepare and sign a statement for the polling place. The statement must include:
      (1) The title of the election;
      (2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
      (3) The number of ballots voted on the mechanical recording device for that day; and
      (4) The number of signatures in the roster for early voting for that day;
      (5) The number of signatures on signature cards for the day.

b) Secure:
   (1) The ballots pursuant to the plan for security required by NRS 293.3594; and
   (2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:
   a) The statements for all polling places for early voting;
   b) The voting rosters used for early voting;
   c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting;
   d) The signature cards used for early voting; and
   e) Any other items as determined by the county clerk.
3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:
   (a) Indicate the number of ballots on an official statement of ballots; and
   (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 28. NRS 293.389 is hereby amended to read as follows:

293.389 The Secretary of State, a board of county commissioners, a county clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to paragraph (g) of subsection 1 of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 29. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:
   (a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; and
   (b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293.486 is hereby amended to read as follows:

293.486 1. Except as otherwise provided in subsection 2, for the purposes of preregistering or registering to vote, the address at which the person actually resides is the street address assigned to the location at which the person actually resides.

2. For the purposes of preregistering or registering to vote, if the person does not reside at a location that has been assigned a street address, the address at which the person actually resides is a description of the location at which the person actually resides. The description must
identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. The provisions of this section do not authorize a person to preregister or register to vote if the person is not otherwise eligible to preregister or register to vote, as applicable.

Sec. 33. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

(a) Preregister or register to vote; and

(b) Vote by absent ballot, without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register to vote or to change the address of the person’s current preregistration or registration, as applicable. The form must include:

(a) A section that contains the confidential address of the person; and

(b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

(a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and

(b) File the portion of the form that contains the confidential address.

4. Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.

5. Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection, unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 34. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.
(b) Shall have the custody of all books, documents and papers pertaining to prerogistration or registration provided for in this chapter.

2. All books, documents and papers pertaining to prerogistration or registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters’ register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters’ register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person preregisters or registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to voter preregistration and registration.

Sec. 35. NRS 293.5035 is hereby amended to read as follows:

Sec. 36. NRS 293.504 is hereby amended to read as follows:

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

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

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

(c) The offices of the Department of Motor Vehicles;
2. Each voter registration agency shall:
   (a) Post in a conspicuous place, in at least 12-point type, instructions for **preregistering and registering** to vote;
   (b) Except as otherwise provided in subsection 3, distribute applications to **preregister or register** to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;
   (c) Provide the same amount of assistance to an applicant in completing an application to **preregister or register** to vote as the agency provides to a person completing any other forms for the agency; and
   (d) Accept completed applications to **preregister or register** to vote.

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

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

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

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

**Sec. 38.** NRS 293.505 is hereby amended to read as follows:

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

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

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

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

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

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

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not: 
   (a) Delegate any of his or her duties to another person; or
   (b) Refuse to **preregister or register** a person on account of that person’s political party affiliation.

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

10. A county clerk, field registrar, employee of a voter registration agency or person assisting **a voter** another person pursuant to subsection 13 of NRS 293.5235 shall not:
(a) Solicit a vote for or against a particular question or candidate;
(b) Speak to a [voter] person on the subject of marking his or her ballot
for or against a particular question or candidate; or
(c) Distribute any petition or other material concerning a candidate or
question which will be on the ballot for the ensuing election,
while preregistering or registering [an elector] the person.

11. When the county clerk receives applications to preregister or register
to vote from a field registrar, the county clerk shall issue a receipt to the field
registrar. The receipt must include:
(a) The number of persons preregistered or registered; and
(b) The political party of the persons preregistered or registered.

12. A county clerk, field registrar, employee of a voter registration
agency or person assisting [a voter] another person pursuant to subsection
13 of NRS 293.5235 shall not:
(a) Knowingly [register] :
   (1) Register a person who is not a qualified elector or a person who has
       filed a false or misleading application to register to vote; or
   (2) Preregister a person who does not meet the qualifications set forth
       in section 14 of this act; or
(b) [Register] Preregister or register a person who fails to provide
    satisfactory proof of identification and the address at which the person
    actually resides.

13. A county clerk, field registrar, employee of a voter registration
agency, person assisting [a voter] another person pursuant to subsection 13
of NRS 293.5235 or any other person providing a form for the application to
preregister or register to vote to an elector for the purpose of preregistering
or registering to vote:
(a) If the person who assists [an elector] another person with completing
the form for the application to preregister or register to vote retains the form,
shall enter his or her name on the duplicate copy or receipt retained by the
[voter] person upon completion of the form; and
(b) Shall not alter, deface or destroy an application to preregister or
register to vote that has been signed by [an elector] a person except to correct
information contained in the application after receiving notice from the
[voter] person that a change in or addition to the information is required.

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

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

Sec. 39. NRS 293.5055 is hereby amended to read as follows:
293.5055 A county clerk or field registrar may preregister or register,
outside the boundaries of the county, any [voter] person who is a resident of
that county and meets the qualifications to preregister or register to vote, as applicable.

Sec. 40. NRS 293.5057 is hereby amended to read as follows:

A person who does not maintain a residence in this State may preregister or register to vote for the office of President and Vice President of the United States if the person files a sworn statement with the county clerk or field registrar of voters that the person is not preregistered or registered to vote in any other state and provides evidence:

1. Of his or her domicile in this State in accordance with the provisions of NRS 41.191;
2. That he or she maintains an account at a financial institution located in this State; or
3. That his or her motor vehicle is registered in this State.

Sec. 41. NRS 293.506 is hereby amended to read as follows:

1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must:
   (a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and
   (b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

Sec. 42. NRS 293.507 is hereby amended to read as follows:

1. The Secretary of State shall prescribe:
   (a) Standard forms for applications to preregister or register to vote;
   (b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and
   (c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include:
   (a) Unique control number assigned by the Secretary of State; and
   (b) Receipt which:
      (1) Includes a space for a person assisting an applicant in completing the form to enter the person’s name; and
      (2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:
   (a) A line for use by the applicant to enter:
(1) The number indicated on the applicant’s current and valid driver’s license issued by the Department of Motor Vehicles, if the applicant has such a driver’s license;

(2) The last four digits of the applicant’s social security number, if the applicant does not have a driver’s license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver’s license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagrapgh (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver’s license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 43. NRS 293.508 is hereby amended to read as follows:

293.508 The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State the following option, printed in a separate box created by bold lines, in at least 14-point bold type:

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN LARGER TYPE

Sec. 44. NRS 293.509 is hereby amended to read as follows:

293.509 1. A county clerk may provide the [form for the application] forms for applications to preregister or register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.

2. A candidate, major political party, minor political party or other person shall:

(a) Submit a request for forms for [the application] applications to preregister or register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and
(b) State the number of forms for applications to preregister or register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple applications with the county clerk’s records.

Sec. 45. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters’ register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters’ register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to section 14 of this act.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in section 14 of this act residing within the county may preregister to vote and any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity:
(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS; or

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver’s license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

3. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.
6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to section 14 of this act or the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to section 14 of this act or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

If the District Attorney advises the county clerk to process the application, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6, if applicable.

Sec. 48. NRS 293.518 is hereby amended to read as follows:

293.518 1. At the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

2. If a person or an elector indicates that he or she is “independent” shall be deemed not affiliated with a political party.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person’s or elector’s political party as nonpartisan.

4. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person’s or elector’s political party as indicated by the person or elector.
4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:
   (a) List the person’s or elector’s political party as the party indicated in the application to preregister or register to vote, as applicable.
   (b) When compiling data related to preregistration and voter registration for the county, report the person’s or elector’s political party as “other party.”

5. If a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:
   (a) List the person’s or elector’s political party as nonpartisan; and
   (b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

Sec. 49. NRS 293.520 is hereby amended to read as follows:

293.520 Except as otherwise provided in this section, the preregistration of persons or the registration or reregistration of electors who are unable to sign their names must be made upon personal application of those persons or electors at the office of the county clerk where they may be identified or in the presence of a field registrar. If such a person or an elector is unable to appear in person at the office of the county clerk, the county clerk shall send a field registrar or an employee of the office of the county clerk to the elector to identify the person or elector and preregister the person or register or reregister the elector, as appropriate. The persons or electors described in this section may use a mark or cross in place of a signature.

Sec. 50. NRS 293.523 is hereby amended to read as follows:

293.523 A naturalized citizen need not produce his or her certificate of naturalization in order to qualify to be preregistered or registered.

Sec. 51. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by mailing an application to preregister or register to vote to the county clerk of the county in which the person resides or may preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to preregister to vote may be used to correct information in a previous application. An application to register to vote may be used to correct information in the registrar of voters’ register.

2. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an
application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

   (a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card as required by subsection 6 of NRS 293.517; or

   (b) A notice that the person’s application to preregister to vote or the registrar of voters’ register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

   (a) A notice that the applicant is registered:

      (1) Preregistered to vote; or

      (2) Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

   (b) A notice that the person’s application to preregister to vote or the registrar of voters’ register has been corrected to reflect any changes indicated on the application.

7. If the applicant does not provide the additional information within the prescribed period, the application is void.

8. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters’ register on the date the application is postmarked or received by the county clerk, whichever is earlier.

9. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

10. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

    (a) Mail, which must be used to preregister or register to vote by mail in this State.
(b) Computer, which must be used to preregister or register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

10. The application to preregister or register to vote by mail must include:
   (a) A notice in at least 10-point type which states:

   NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

   (b) The question, “Are you a citizen of the United States?” and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.
   (c) The application is to:
      (1) Preregister to vote, the question, “Are you at least 17 years of age and not more than 18 years of age?” and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.
      (2) Register to vote, the question, “Will you be at least 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.
   (d) A statement instructing the applicant not to complete the application if the applicant checked “no” in response to the question set forth in:

      (1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).
      (2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).
   (e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person’s current residence is other than that indicated
on the application to **preregister or register** to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, **preregisters or registers** to vote pursuant to this section may be assisted in completing the application to **preregister or register** to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to **preregister or register** to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

**Sec. 52.** NRS 293.5237 is hereby amended to read as follows:

293.5237 Any time **before:**

1. A person who, because of illness, disability or for other good cause shown, requires assistance to complete an application to **preregister** to vote may request the county clerk in writing or by telephone to preregister the person at the person’s residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to **preregister** the person to vote.

2. **Before** the fifth Sunday preceding an election, a person who because of illness, disability or for other good cause shown requires assistance to complete an application to **register** to vote may request the county clerk in writing or by telephone to register the person at the person’s residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register the person to vote.

**Sec. 53.** NRS 293.524 is hereby amended to read as follows:

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

2. The county clerk shall use the applications to **preregister or register** to vote which are signed and completed pursuant to subsection 1 to **preregister or register** applicants to vote or to correct information in a **person’s previous application to preregister or** the registrar of voters’ register. An application that is not signed must not be used to **preregister or register** or correct the **preregistration or** registration of the applicant.
3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register:
   (a) Preregister to vote at any time.
   (b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

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

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

7. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the application to preregister to vote or the registrar of voters’ register. If the person is a...
registered voter, as applicable. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

[4.] 8. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;
(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and
(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 293.527 is hereby amended to read as follows:

293.527 When a person moves to another county and preregisters to vote therein, or an elector moves to another county and registers to vote therein, the county clerk of the county where the person or elector has moved shall send a cancellation notice to the clerk of the county in which the person or elector previously resided. The county clerk receiving such a notice shall cancel the preregistration or registration of the person or elector and place it in a cancelled file.

Sec. 56. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter’s current residence is other than that indicated on the voter’s application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(i) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;
(ii) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;
(iii) The voter does not respond; and
(iv) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.
The county clerk shall maintain records of:

(a) Any notice mailed pursuant to subsection 3;

(b) Any response to such notice; and

(c) Whether a person to whom a notice is mailed appears to vote in an election,

to not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to subsection 3 paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter’s application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7 paragraph (g).

A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.

Sec. 57. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.
4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to section 14 of this act.

Sec. 58. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain:
(a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and
(b) A file of the applications to register to vote of electors who have cancelled their registration.

The files must be kept in alphabetical order. The county clerk shall mark the applications “Cancelled,” and indicate thereon the reason for cancellation.

2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person’s application to preregister to vote.

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

Sec. 59. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:
(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk’s office.
(b) At the request of the person.
(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.
(d) As required by NRS 293.541.
(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk’s office.

2. The county clerk shall cancel the registration of a person:
(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of any elector is filed in the county clerk’s office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony unless:

(1) If the person was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the person was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

(f) At the request of the person.

(g) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

(h) As required by NRS 293.541.

(i) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk’s office.

Sec. 60. NRS 293.541 is hereby amended to read as follows:

293.541. 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk,
presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration [4], as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 [4] to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver’s license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 61. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector’s:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:
(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of paragraph (e) of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of paragraph (f) of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 61.3. [NRS 293.557 is hereby amended to read as follows:]

293.557 1. The county clerk may cause to be published once in each of the newspapers circulated in different parts of the county, or cause to be published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct of each voter.

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. If the county clerk publishes the list of registered voters, the county clerk must do so:

(a) Not less than 2 weeks before [the close of registration for] any primary election.

(b) After each primary election and not less than 2 weeks before the [close of registration for] the ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point. [Deleted by amendment.]

Sec. 61.6. [NRS 293.550 is hereby amended to read as follows:]

293.550 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, and section 6.5 of this act, registration must close at 5 p.m. on the third Tuesday preceding any primary or general election, except as otherwise provided by specific law, at 5 p.m. on the third Saturday preceding any recall or special election. [Except as otherwise provided in section 6.5 of this act, after
the close of registration for an election, no person may register to vote for
the election.
2. [For] Except as otherwise provided in this subsection, for a primary
or special election, the office of the county clerk must be open until 7 p.m.
during on the next to last [2 days] day on which registration is open [ ] and
until 5 p.m. on the last day on which registration is open. In a county whose
population is less than 100,000, the office of the county clerk may close at 5
p.m. [during] on the next to last [2 days] day before registration closes if
approved by the board of county commissioners.
3. For a general election:
(a) Except as otherwise provided in this paragraph, in a county
whose population is less than 100,000, the office of the county clerk must be
open until 7 p.m. [during] on the next to last [2 days] day on which registration is open. The office of the county clerk may close at 5 p.m. on the
next to last day on which registration is open 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] a day other than the last day on which registration
is open, 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 Stare.
(b) The notice must be published once each week for 4 consecutive weeks
next preceding the close of registration for any election.
5. The offices of the county clerk, a county facility designated pursuant
to NRS 293.5035 and other ex officio registrars may remain open on the last
Friday in October in each even numbered year.
6. For the period beginning on the fifth Sunday preceding any primary or
general election and ending on the [third Tuesday] Friday preceding any
primary or general election, an elector may register to vote only:
(a) By appearing in person at the office of the county clerk or, if open, a
county facility designated pursuant to NRS 293.5035; or
(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

7. A county facility designated pursuant to NRS 293.5025 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 2 of NRS 293.5025.] (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 62.5. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for [each]:

(a) Each polling place a roster containing the registered voters eligible to vote at the polling place.

(b) Each polling place established pursuant to section 2 or 72 of this act, if any, a roster containing the registered voters eligible to vote in the county.

(c) Each polling place designated pursuant to section 6.5 of this act, if any, a roster designated for electors who register to vote on the day of the election pursuant to that section or city, respectively.

2. The [rosters] must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 63. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:
(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

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

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

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

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.
9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

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

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

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 63.5. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the Friday preceding opening of the polls for the primary election and after the close of registration for each general election but not later than the Friday preceding opening of the polls for the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State. [Deleted by amendment.]

Sec. 64. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;
(b) Serve as the single method for storing and managing the official list of registered voters in this State;
(c) Serve as the official list of registered voters for the conduct of all elections in this State;
(d) Contain the name and registration information of every legally registered voter in this State;
(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;
(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;
(g) Be electronically accessible to each state and local election official in this State at all times;
(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and
(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:
(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and
(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § 20583, to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:
(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and
(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information
provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 65. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election, petition or preregistration or registration of voters, whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. A person who violates a provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 66. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer’s official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.
3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 67. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than [the one in which the person is registered, authorized, entitled] to vote, such person is guilty of a gross misdemeanor.

Sec. 68. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. Except as otherwise provided in this subsection, a person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. The provisions of this subsection do not apply to a person who preregisters to vote.

5. A field registrar or other person who provides to an elector an application to register to vote and who:
   (a) Knowingly falsifies the application or knowingly causes an application to be falsified;
   (b) Knowingly provides money or other compensation to another for a falsified application; or
   (c) Intentionally fails to submit to the county clerk a completed application,
   is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 69. NRS 293.805 is hereby amended to read as follows:

293.805 1. It is unlawful for a person to provide compensation for preregistering or registering voters that is based upon:
2. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 70. NRS 293.810 is hereby amended to read as follows:

293.810 It is unlawful for any person to be preregistered to vote or registered as a voter in more than one county at one time.

Sec. 71. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 72 to 76.5, inclusive, of this act.

Sec. 72. 1. A city clerk may, with the approval of the governing body of the city, establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election. Any such polling place must be at a location selected pursuant to section 73 of this act.

2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 73. 1. Each governing body of a city shall provide by ordinance for the criteria to be used to select a polling place described in section 72 of this act.

(a) A polling place established pursuant to section 72 of this act must:

(b) Be approved by the governing body of the city at a public meeting.

(Deleted by amendment.)

Sec. 74. 1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 72 of this act, the city clerk must:

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.

3. No additional polling place may be established pursuant to section 72 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.
Sec. 75. 1. For each polling place established pursuant to section 72 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter’s name, the address where he or she is registered to vote, his or her voter identification number, the voter’s precinct or district number and [a place for] the voter’s signature.

2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 76. 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 72 of this act, the election board officer shall:

(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter’s precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 72 of this act may be challenged pursuant to NRS 293C.292.
Sec. 76.5.  (1) Each city clerk shall:

(a) Designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election. Each polling place designated pursuant to this paragraph must be approved by the governing body of the city.

(b) Except as otherwise provided in subsection 2:

(1) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the city that has been designated pursuant to paragraph (a).

(2) Post a list of the locations designated pursuant to paragraph (a) on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

(2) The provisions of paragraphs (b) of subsection 1 do not apply if every polling place in the city is a polling place where an elector of the city may register to vote on the day of the primary city election or general city election.

(3) An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.

(4) To register to vote on the day of the primary city election or general city election, an elector must:

(a) Appear before the close of the polls at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election;

(b) Complete the application to register to vote; and

(c) Provide proof of his or her identity and residence as described in subsections 5 and 6.

(5) The following forms of identification may be used to identify an elector applying to vote pursuant to this section:

(a) A driver’s license;

(b) An identification card issued by the Department of Motor Vehicles;

(c) A military identification card; or

(d) Any other form of identification issued by a governmental agency which contains the signatures and a physical description or picture of the elector.

(6) The following documents may be used to establish the residence of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) Any form of identification set forth in subsection 5;
(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;
(c) A bank or credit union statement;
(d) A paycheck;
(e) An income tax return;
(f) A statement concerning the mortgage, rental or lease of a residence;
(g) A motor vehicle registration;
(h) A property tax statement;
(i) Any other document issued by a governmental agency; or
(j) Any other official document which the city clerk, field registrar or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.

7. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.

8. An elector who registers to vote pursuant to this section:
(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and
(b) If the elector applies to vote at the polling place at which he or she registers to vote, except as otherwise provided in NRS 293C.272, must sign his or her name in the roster designated for electors who register to vote pursuant to this section. (Deleted by amendment.)

Sec. 77. NRS 293C.112 is hereby amended to read as follows:
293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:
(a) The election is a special election; or
(b) The election is a primary city election or general city election in which the ballot includes only:
   (1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or
   (2) One office or ballot question.
2. The provisions of NRS 293C.265 to 293C.302, inclusive, and sections 72 to 76.5, inclusive, of this act, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.
3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 78. NRS 293C.267 is hereby amended to read as follows:
293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.
2. Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls
and the counting of votes must begin and continue without unnecessary delay until the count is completed. [The provisions of this subsection do not apply to any polling place established pursuant to section 72 of this act, or designated pursuant to section 76.5 of this act.]

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 79. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272, if a person’s name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, or if the person registered to vote pursuant to section 76.5 of this act, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person’s application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote;

(b) A driver’s license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter’s signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

Sec. 80. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293C.270, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster “Identified” by the voter’s name.
Sec. 81. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster [and] or signature card, verify the signature of the voter in the manner set forth in NRS 293C.270 [and verify that the registered voter has not already voted in that city in the current election.]

2. If the signature does not match, the voter must be identified by:
   (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
   (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
   (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote [or was deemed to be registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 82. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:
   (a) The voter’s employer or an agent of the voter’s employer; or
   (b) An officer or agent of the voter’s labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at [his or her] a polling place [at which he or she is entitled to vote.

Sec. 82.2. NRS 293C.297 is hereby amended to read as follows:

293C.297 1. If at the hour of closing the polls there are any [registered],
   (a) Registered voters waiting to vote [;] or
   (b) If the polling place has been designated pursuant to section 76.5 of this act as a site for an elector of the city to register to vote on the day of the election, persons waiting to register to vote.
the doors of the polling place must be closed after all those [voters] 
persons have been admitted to the polling place. Voting must continue until 
those [voters] persons have voted.

2. The officer appointed by the chief law enforcement officer of the city 
shall allow other persons to enter the polling place after the doors have been 
closed to observe or for any other lawful purpose if there is room within the 
polling place and their admittance will not interfere with the voting (.) or 
voter registration . (Deleted by amendment.)

Sec. 82.4. [NRS 293C.356 is hereby amended to read as follows.
293C.356 1. If a request is made in person to vote early by a registered 
voter [in person,] including, without limitation, a registered voter who 
registers to vote after the beginning of the period for early voting by 
personal appearance, the city clerk shall issue a ballot for early voting to the 
voter. Such a ballot must be voted on the premises of the clerk's office and 
returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.356, each city 
clerk shall provide a voting booth, with suitable equipment for voting, on the 
premises of the city clerk's office for use by registered voters who are issued 
ballets for early voting in accordance with this section. (Deleted by 
amendment.)

Sec. 82.6. [NRS 293C.3568 is hereby amended to read as follows:
293C.3568 1. [The] Except as otherwise provided in this section, the 
period for early voting by personal appearance begins the third Saturday 
preceding a primary city election or general city election, and extends 
through the Friday before election day, Sundays and federal holidays 
excepted.

2. [The] In a city located in a county whose population is 100,000 or 
more, the city clerk:

(a) Shall include any Sunday that falls within the period for early voting 
by personal appearance.

(b) May:

(1) Include any federal holiday that falls within the period for early 
voting by personal appearance.

(2) Require a permanent polling place for early voting to remain open 
until 8 p.m. on any Saturday that falls within the period for early voting.

3. In a city located in a county whose population is less than 100,000 
the city clerk may:

(a) Include any Sunday or federal holiday that falls within the period for 
early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open 
until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.
(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) [Deleted by amendment.]

(d) In a city in a county whose population is 100,000 or more, on any Sunday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

Sec. 82.8. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. The provisions of subsections 2, 3, and 4 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location. [Deleted by amendment.]

Sec. 83. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in that city in the current election. [Pursuant to this section.]

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote \[\text{or was deemed to be registered to vote.}\]

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted \[\text{in that city}\] in the current election \[\text{pursuant to this section.}\]

5. The roster for early voting \[\text{or signature card, as applicable,}\] must contain:
   (a) The voter’s name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter’s signature;
   (b) The voter’s precinct or voting district number, if that information is available; and
   (c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:
   (a) Prepare the mechanical recording device for the voter;
   (b) Ensure that the voter’s precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and
   (c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 83.5. **NRS 293C.3604 is hereby amended to read as follows:**

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:
   (a) Prepare and sign a statement for the polling place. The statement must include:
       (1) The title of the election;
       (2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
       (3) The number of ballots voted on the mechanical recording device for that day; \[\text{and}\]
       (4) The number of signatures in the roster for early voting for that day \[\text{and}\]

   (5) The number of signatures on signature cards for that day.
(b) Secure:
   (1) The ballots pursuant to the plan for security required by NRS 293C.3594; and
   (2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.
2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:
   (a) The statements for all polling places for early voting;
   (b) The voting rosters used for early voting;
   (c) The signature cards used for early voting;
   (d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
   (e) Any other items as determined by the city clerk.
3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:
   (a) Indicate the number of ballots on an official statement of ballots; and
   (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 84. NRS 293C.389 is hereby amended to read as follows:
293C.389 The governing body of a city, a city clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to paragraph (g) of subsection 7 of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.

Sec. 85. NRS 293C.520 is hereby amended to read as follows:
293C.520 1. The city clerk may designate any building owned or leased by the city, or any portion of such a building, as a municipal facility at which persons may preregister to vote or electors may register to vote.

2. A municipal facility designated pursuant to subsection 1 must be operated as an auxiliary municipal facility at which voter preregistration and registration are carried out in addition to being carried out at the office of the city clerk.

3. If the city clerk designates a municipal facility pursuant to subsection 1, the city clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of this title and all other applicable provisions of state and federal law relating to the preregistration of persons and registration of electors in this State.

Sec. 85.5. NRS 293C.527 is hereby amended to read as follows:
293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, and section 76.5 of this act, registration must close at 5 p.m.
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on the [third Tuesday] Friday preceding any primary city election or general city election and, except as otherwise provided by specific law, at 5 p.m. on the [third Saturday] fourth day 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 on the third Tuesday preceding the day of the elections. Except as otherwise provided in section 76.5 of this act, after the close of registration for an election, no person may register to vote for the election.

2. Except as otherwise provided in this subsection, for a primary city election or special city election, the office of the city clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day 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. on the next to last day before registration closes if approved by the governing body of the city.

3. For a general city election:
   (a) Except as otherwise provided in this paragraph, in a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. The office of the city clerk may close at 5 p.m. on the next to last day on which registration is open 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, a day other than the last day on which registration is open, until 9 p.m.; and
      (2) A minimum of 8 hours on Saturdays, Sundays, and legal holidays.
   (c) On the last day on which registration is open, until 5 p.m.

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

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

(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or
(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.4 (Deleted by amendment.)

Sec. 86. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

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

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

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

4. Except as otherwise provided in subsection 6, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:
NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

5. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

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

10. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 87. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.

3. The city clerk shall prepare for:
   (a) Each polling place a roster containing the registered voters eligible to vote at the polling place.
(b) Each polling place established pursuant to section 72 of this act, if any, a roster containing the registered voters eligible to vote in the city.

(c) Each polling place designated pursuant to section 76.5 of this act, if any, a roster designated for electors who register to vote on the day of the city election pursuant to that section.

4. The Except as otherwise provided in section 75 of this act, the rosters must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk’s office.

Sec. 88. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall deliver to the city clerk the official register rosters for the city. (Deleted by amendment.)

Sec. 89. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; and

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 90. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 4 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, subsection 1 of NRS 293C.312, NRS 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is
elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:
   (a) Related to elections; and
   (b) Made available by the city clerk to the public in printed form.

Sec. 91. NRS 293D.200 is hereby amended to read as follows:

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

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

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

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

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

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:
(a) The person would have been able to preregister to vote pursuant to section 14 of this act except for the residency requirement; and
(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 92. NRS 293D.210 is hereby amended to read as follows:

293D.210. An overseas voter is eligible to be a covered voter if:
1. Before leaving the United States, the overseas voter was eligible to vote in this State and, except for the residency requirement, otherwise satisfies this State’s voter eligibility requirements;
2. Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, otherwise satisfies this State’s voter eligibility requirements;
3. [Was] Before leaving the United States, the overseas voter was preregistered to vote as described in section 14 of this act and, except for the residency requirement, otherwise satisfies this State’s voter eligibility requirements; or
4. The overseas voter was born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in NRS 293.485, so long as:
   (a) The last place where a parent or legal guardian of the overseas voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this State; and
   (b) The overseas voter is not registered to vote in any other state.

Sec. 93. NRS 293D.230 is hereby amended to read as follows:

293D.230. 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, [42] 52 U.S.C. § [1973ff(b)(2),] 20301(b)(2), or the application’s electronic equivalent, to apply to register to vote [ ], if the federal postcard application is received by the appropriate local elections official [not later than 7 days] by the seventh day before the election. If the federal postcard application is received [less than 7 days] after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.
2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, [42] 52 U.S.C. § [1973ff-2,] 20303, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.
3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:
   (a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and
   (b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).
4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 94. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C. § 20301(b)(2),] if the federal postcard application is received by the appropriate local elections official [not later than 7 days] by the seventh day before the election.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application’s electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot [44], if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:
   (a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and
   (b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).
4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.
5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C. § 20303,] as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.
6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:
   (a) The use of a federal postcard application or federal write-in absentee ballot;
   (b) The use of an overseas address on an approved voting registration application or ballot application; and
   (c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

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

Sec. 95. NRS 293D.310 is hereby amended to read as follows:

293D.310 Except as otherwise provided in subsection 4 of NRS 293D.320, an application for a military-overseas ballot is timely if received by the seventh day before the election. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election. (Deleted by amendment.)

Sec. 96. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. § 1973ff-1(g)(2), 52 U.S.C. § 20302, not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by:
   (a) Facsimile transmission;
   (b) Electronic mail delivery; or
   (c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

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

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

4. If a covered voter does not receive his or her military-overseas ballot and balloting materials for any reason, including, without limitation, as a result of a change in the duty station of the covered voter, the covered voter may, not later than the close of polls on election day:

(a) Request that the local elections official resend to the covered voter his or her military-overseas ballot and balloting materials by:

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

(b) Cast his or her military-overseas ballot by:

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

Sec. 97. NRS 239.010 is hereby amended to read as follows:

and section 14 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a
person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 98. (Deleted by amendment.)

Sec. 99. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver’s license must:
   (a) Be made upon a form furnished by the Department.
   (b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.
   (c) Be accompanied by the required fee.
   (d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.
   (e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.
   (f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:
   (a) An original or certified copy of the required documents as prescribed by regulation; or
   (b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511.
3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver’s license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:
   (a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or
   (b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver’s license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver’s license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:
   (a) May, if the document has expired, refuse to accept the document or refuse to issue a driver’s license to the person presenting the document, or both; and
   (b) Shall issue to the person presenting the document a driver’s license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver’s license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver’s license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver’s license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver’s license. As used in this subsection, “consular identification card” has the meaning ascribed to it in NRS 232.006.

Sec. 100. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:
   (a) The applicant’s:
       (1) Full legal name.
       (2) Date of birth.
(3) State of legal residence.
(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:
(1) A resident stating that he or she does not hold a valid driver’s license or identification card from any state or jurisdiction; or
(2) A seasonal resident stating that he or she does not hold a valid Nevada driver’s license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:
(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or
(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. A person who possesses a driver’s license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver’s license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 101. (Deleted by amendment.)
Sec. 102. (Deleted by amendment.)
Sec. 103. (Deleted by amendment.)
Sec. 104. (Deleted by amendment.)
Sec. 105. (Deleted by amendment.)
Sec. 106. (Deleted by amendment.)

Sec. 107. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)

Sec. 108. This act becomes effective:
1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On January 1, 2018, for all other purposes.

Assemblyman Araujo moved the adoption of the amendment.
Remarks by Assemblyman Araujo.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.
Senate Bill No. 194.
Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 897.

SENATORS DENIS, PARKS, CANCELA, ATKINSON, MANENDO; FORD, RATTI AND SEGERBLOM

JOINT SPONSORS: ASSEMBLYMEN SWANK, EDWARDS, FRIERSON, CARRILLO;
BILBRAY-AXELROD, DALY, JAUREGUI AND JOINER

AN ACT relating to trade practices; prohibiting the sale of products derived from or containing certain animal species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
The Endangered Species Act of 1973 and the African Elephant Conservation Act restrict importation to, exportation from and trade throughout the United States of certain items made of or containing certain animal parts. (16 U.S.C. §§ 1531 et seq.; 16 U.S.C. §§ 4201 et seq.) Section 2 of this bill prohibits the purchase, sale or possession with intent to sell any item in this State that is, wholly or partially, made of an animal part or byproduct derived from a shark fin, a lion of the species Panthera leo or any species of elephant, rhinoceros, tig...
(c) For the third and any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to the criminal penalties set forth in this section, a person who violates a provision of this section, upon conviction, shall pay a civil penalty not to exceed $6,500 or an amount equal to four times the fair market value of the item which is the subject of the violation, whichever is greater.

4. As used in this section:
   (a) “Sale” or “sell” means any act of selling, trading or bartering, for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a nonmonetary transfer of ownership to a legal beneficiary of a trust or to a person by way of gift, donation, inheritance or bequest.
   (b) “Shark fin” means the fresh and uncooked, or cooked, frozen, dried or otherwise processed, detached fin or tail of a shark.

Sec. 3. 1. The provisions of section 2 of this act do not apply to:
   (a) Any activity undertaken by a law enforcement agency or officer pursuant to federal or state law.
   (b) An antique that contains a de minimis quantity of an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the animal part or byproduct is a fixed component of the antique and the owner or seller of the antique establishes with documentation evidencing provenance of the antique that the antique is at least 100 years old.
   (c) A musical instrument, including, without limitation, piano, string instrument and bow, wind instrument and percussion instrument, that contains a de minimis quantity of an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the owner or seller of the musical instrument:
      (1) Possesses any certification or permit required by federal law for the sale of the musical instrument; and
      (2) Establishes with documentation evidencing provenance that the musical instrument was legally acquired.
   (d) A knife or firearm, or a component thereof, that contains an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act if:
      (1) The animal part or byproduct:
         (I) Is a fixed or integral part of the knife or firearm, or the component thereof; and
         (II) Originated in or was legally imported to the United States; and
      (2) The owner or seller of the knife or firearm, or the component thereof, establishes with documentation evidencing provenance that the knife or firearm, or the component thereof, was legally acquired; and
      (3) All the requirements for the sale of the knife or firearm, or the component thereof, set forth in federal and state law are met.
(e) Sales authorized by the Department of Business and Industry to a
bona fide scientific or educational institution of an item that contains an
animal part or byproduct derived from any species listed in subsection 1 of
section 2 of this act, provided that the owner or seller of the item:
1) Possesses any certification or permit required by federal law for
the sale of the item; and
2) Establishes with documentation evidencing provenance that the
item was legally acquired.
(f) Any item that contains an animal part or byproduct derived from any
species listed in subsection 1 of section 2 of this act for which the owner or
seller has obtained any certification or permit required by federal law for
the sale of the item or that is specifically authorized for sale by federal law,
provided that all the requirements for the sale of the item set forth in
federal or state law have been met.
(g) Any sport-hunted item that is legally obtained in accordance with
federal law.
2. As used in this section, “de minimis quantity” means:
(a) Less than 20 percent of an item by volume;
(b) Less than 200 grams in weight when examined as a separate
component; and
(c) Less than 20 percent of the fair market value of an item or of the
actual price paid for the item, whichever is greater.
Sec. 4. This act becomes effective on January 1, 2018.

Assemblywoman Swank moved the adoption of the amendment.
Remarks by Assemblywoman Swank.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 232.
Bill read third time.
The following amendment was proposed by the Committee on Commerce
and Labor:
Amendment No. 815.
AN ACT relating to domestic workers; enacting the Domestic Workers’
Bill of Rights; providing for the mandatory payment of wages and overtime
wages for certain hours worked, limitations on deductions for food and
lodging, rest breaks and days off; and providing other matters properly
relating thereto.
Legislative Counsel’s Digest:
Existing law provides that employees must be paid a minimum wage and
must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const.
Art. 15, § 16) Section 6 of this bill enacts the Domestic Workers’ Bill of
Rights. Section 6 defines a “domestic worker” to mean a natural person who
is paid by an employer to perform work of a domestic nature and requires
that an employer of a domestic worker supply the domestic worker with
Section 6 also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer’s household, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. Section 6 requires that a domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer’s household be paid overtime wages for certain hours; however, per the Labor Commissioner, a domestic worker who resides in the employer’s household is only entitled to his or her regular wages for all hours worked. Section 6 further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive days off at least once per month. Section 6 also prohibits an employer from limiting or monitoring a domestic worker’s private communications or taking or holding such a worker’s personal documents. Section 1 of this bill sets limits on the amount an employer may deduct from a worker’s pay for lodging provided by the employer. Section 2 of this bill revises the amounts an employer may deduct from a worker’s pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances are exempt from limitations on working hours. (NRS 609.240) Section 3 of this bill deletes the exemption for children employed in domestic service.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee.

2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.

Sec. 2. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals. In no case shall the value of the meals be computed at more than $1.50 [45 cents] 25 percent of the statutory minimum hourly wage per day. In no case shall the value of the meals consumed by such employee be computed or valued at more than [35 cents] 25 percent of the statutory minimum hourly wage for each breakfast actually consumed, [45 cents] 25 percent of the statutory minimum hourly wage for each lunch actually consumed, and
50 percent of the statutory minimum hourly wage for each dinner actually consumed.

2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.

Sec. 3. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than employment as a performer in the production of a motion picture or work on a farm, more than 48 hours in any 1 week, or more than 8 hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 4. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. This section and section 6 of this act may be cited as the Domestic Workers’ Bill of Rights.

Sec. 6. 1. The Legislature hereby declares that a domestic worker must be afforded the following rights and protections:

(a) An employer shall provide to a domestic worker, when the domestic worker begins his or her employment, a written employment agreement outlining the conditions of his or her employment. If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands. The employment agreement must include, without limitation:

1. The full name and address of the employer;
2. The name of the domestic worker and a description of the duties for which he or she is being employed;
3. Each place where the domestic worker is required to work;
4. The date on which the employment will begin;
5. The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;
6. The ordinary workdays and hours of work required of the domestic worker, including any breaks;
7. The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers’ compensation insurance or paid leave, which the domestic worker is entitled to receive;
8. The frequency and method of pay;
9. Any deductions to be made from the domestic worker’s wages;
10. If the domestic worker is to reside in the employer’s household, the conditions under which the employer may enter the domestic worker’s designated living space; and
(11) A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.

(c) A domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer’s household must be paid not less than one and one half times the domestic worker’s regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work as provided in NRS 608.018. A domestic worker who resides in the employer’s household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.

(d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.

(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer’s premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker’s private communications or take any of the domestic worker’s documents or other personal effects.
(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter.

(k) If a domestic worker resides in the employer’s household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.

3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.

4. As used in this section, unless the context otherwise requires:

   (a) “Domestic worker” means a natural person who is paid by an employer to perform work of a domestic nature for the employer’s household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. [The term does not include persons who provide services on a casual, irregular or intermittent basis or persons who are employed by a third-party service or agency.]

   (b) “Employer” means a person who employs a domestic worker to work for the employer’s household.

   (c) “Household” means the premises of an employer’s residence and includes any living quarters on the employer’s property.

   (d) “On duty” means any period during which a domestic worker is working or is required to remain on the employer’s property.

   (e) “Period of rest” means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer’s household or stay within the household solely for personal pursuits.

   (f) “Working time” means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.
Assemblywoman Bustamante Adams moved the adoption of the amendment.
Remarks by Assemblywoman Bustamante Adams.
Amendment adopted.

The following amendment was proposed by Assemblywoman Bustamante Adams:
Amendment No. 929.
AN ACT relating to domestic workers; enacting the Domestic Workers’ Bill of Rights; providing for the mandatory payment of wages and overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides that employees must be paid a minimum wage and must be paid overtime for certain hours. (NRS 608.018, 608.250; Nev. Const. Art. 15, § 16) Section 6 of this bill enacts the Domestic Workers’ Bill of Rights. Section 6 defines a “domestic worker” to mean a natural person who is paid by an employer to perform work of a domestic nature and requires that an employer of a domestic worker supply the domestic worker with certain written documentation of the conditions of his or her employment and his or her rights under the law. Section 6 also requires that a domestic worker be compensated for all hours during which he or she is required to be on duty and is required to remain in the employer’s household, except under certain circumstances in which the domestic worker is employed at a residential facility for a group of certain persons who require supervision, care or other assistance. Section 6 requires that a domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer’s household be paid overtime wages for certain hours; however, per the Labor Commissioner, a domestic worker who resides in the employer’s household is only entitled to his or her regular wages for all hours worked. Section 6 further requires that a domestic worker be allowed at least 1 day off per week and 2 consecutive days off at least once per month. Section 6 also prohibits an employer from limiting or monitoring a domestic worker’s private communications or taking or holding such a worker’s personal documents. Section 1 of this bill sets limits on the amount an employer may deduct from a worker’s pay for lodging provided by the employer. Section 2 of this bill revises the amounts an employer may deduct from a worker’s pay for meals. Existing law provides that children under the age of 16 years employed in domestic service, farm labor or motion picture performances are exempt from limitations on working hours. (NRS 609.240) Section 3 of this bill deletes the exemption for children employed in domestic service.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a
new section to read as follows:

1. A part of wages or compensation may, if mutually agreed upon by an
employee and employer in the contract of employment, consist of lodging.
In no case may the value of the lodging be computed at more than five
times the statutory minimum hourly wage for each week that lodging is
provided to the employee.

2. The monetary limitations on the value of lodging specified in
subsection 1 do not apply to agricultural employees.

Sec. 2. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed
upon by an employee and employer in the contract of employment, consist of
meals. In no case shall the value of the meals be computed at more than
[$1.50] 100 percent of the statutory minimum hourly wage per day. In no
case shall the value of the meals consumed by such employee be computed
or valued at more than [35 cents] 25 percent of the statutory minimum
hourly wage for each breakfast actually consumed, [45 cents] 25 percent of
the statutory minimum hourly wage for each lunch actually consumed, and
[70 cents] 50 percent of the statutory minimum hourly wage for each dinner
actually consumed.

2. The monetary limitations on the value of meals, contained in
subsection 1, do not apply to agricultural employees.

Sec. 3. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed,
permitted or suffered to work at any gainful occupation, other than
[domestic service], employment as a performer in the production of a motion picture or
work on a farm, more than 48 hours in any 1 week, or more than 8 hours in
any 1 day.

2. The presence of a child in any establishment during working hours is
prima facie evidence of employment of the child therein.

Sec. 4. Chapter 613 of NRS is hereby amended by adding thereto the
provisions set forth as sections 5 and 6 of this act.

Sec. 5. This section and section 6 of this act may be cited as the
Domestic Workers’ Bill of Rights.

Sec. 6. 1. The Legislature hereby declares that a domestic worker
must be afforded the following rights and protections:

(a) An employer shall provide to a domestic worker, when the domestic
worker begins his or her employment, a written employment agreement
outlining the conditions of his or her employment. If the domestic worker is
not able to understand the provisions of the written agreement, the
employer shall ensure that those provisions are explained to the domestic
worker in a language that the domestic worker understands. The employment agreement must include, without limitation:

1. The full name and address of the employer;
2. The name of the domestic worker and a description of the duties for which he or she is being employed;
3. Each place where the domestic worker is required to work;
4. The date on which the employment will begin;
5. The period of notice required for either party to terminate the employment or, if the employment is for a specified period, the date on which the employment will end;
6. The ordinary workdays and hours of work required of the domestic worker, including any breaks;
7. The rate of pay, rate and conditions of overtime pay and any other payment or benefits, including, without limitation, health insurance, workers’ compensation insurance or paid leave, which the domestic worker is entitled to receive;
8. The frequency and method of pay;
9. Any deductions to be made from the domestic worker’s wages;
10. If the domestic worker is to reside in the employer’s household, the conditions under which the employer may enter the domestic worker’s designated living space; and
11. A notice of all applicable state and federal laws pertaining to the employment of domestic workers. A copy of the notice provided in subsection 3 will satisfy the requirement to comply with this subparagraph.

(b) Except as otherwise provided in this section and subject to the provisions of chapter 608 of NRS, a domestic worker must, for all of his or her working time, be paid at least the minimum hourly wage published pursuant to Section 16 of Article 15 of the Nevada Constitution.

(c) A domestic worker who is paid less than one and one half times the minimum hourly wage and who does not reside in the employer’s household must be paid not less than one and one half times the domestic worker’s regular rate of wages for all working time in excess of 8 hours in a workday or 40 hours in a week of work as provided in NRS 608.018. A domestic worker who resides in the employer’s household is not entitled to pay in excess of the minimum hourly wage for any working time in excess of 8 hours in a workday or 40 hours in a week of work.

(d) Except as otherwise provided in NRS 608.0195, if a domestic worker is required to be on duty, he or she must be paid for all working time, including, without limitation, sleeping time and meal breaks.

(e) If a domestic worker is hired to work for 40 hours per week or more, his or her employer must provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month. The domestic worker may agree in writing to work on a scheduled day of rest but must be compensated for such time pursuant to this section.
(f) An employer may deduct from the wages of a domestic worker an amount for food and beverages supplied by the employer if the domestic worker freely and voluntarily accepts such food and beverages and provides written consent for such a deduction. An employer must not make a deduction for food and beverages supplied by the employer if a domestic worker cannot easily bring or prepare meals on the premises. Any deduction for food and beverages pursuant to this paragraph must not exceed the limits set forth in NRS 608.155.

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker freely and voluntarily accepts such lodging and provides written consent for such a deduction. An employer may not make a deduction for lodging if the domestic worker is required to reside on the employer’s premises as a condition of his or her employment. Any deduction for lodging pursuant to this paragraph must not exceed the limits set forth in section 1 of this act.

(h) If a domestic worker is required to wear a uniform, the employer may not deduct from his or her wages the cost of the uniform or its care.

(i) An employer shall not restrict, interfere with or monitor a domestic worker’s private communications or take any of the domestic worker’s documents or other personal effects.

(j) A domestic worker may request a written evaluation of his or her work performance from the employer 3 months after his or her employment begins and annually thereafter.

(k) If a domestic worker resides in the employer’s household and the employer terminates his or her employment without cause, the employer shall provide written notice and at least 30 days of lodging to the domestic worker, either on-site or in comparable off-site conditions.

(l) An employer shall keep a record of the wages and hours of the domestic worker as required by NRS 608.115.

2. The provisions of this section are not intended to prevent an employer from providing greater wages and benefits than those required by this section.

3. The Labor Commissioner shall adopt regulations to carry out the provisions of this section and shall post on his or her Internet website, if any, a multilingual notice of employment rights provided under this section and any applicable state and federal laws pertaining to the employment of domestic workers.

4. As used in this section, unless the context otherwise requires:

(a) “Domestic worker” means a natural person who is paid by an employer to perform work of a domestic nature for the employer’s household, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term:

   (1) Includes a natural person who is employed by a third-party service or agency; and
(2) Does not include a natural person who provides services on a casual, irregular or intermittent basis.

(b) “Employer” means a person who employs a domestic worker to work for the employer’s household.

c) “Household” means the premises of an employer’s residence and includes any living quarters on the employer’s property.

d) “On duty” means any period during which a domestic worker is working or is required to remain on the employer’s property.

e) “Period of rest” means a period during which the domestic worker has complete freedom from all duties and is free to leave the employer’s household or stay within the household solely for personal pursuits.

(f) “Working time” means all compensable time, other than periods of rest, during which a domestic worker is on duty, regardless of whether the domestic worker is actually working.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 866.

AN ACT relating to constables; requiring a person seeking election or appointment to the office of constable in certain townships to complete certain training as a peace officer before declaring or accepting candidacy for or accepting appointment to the office; repealing the requirement that constables hired in certain townships be certified by the Peace Officers’ Standards and Training Commission as a category II peace officer; revising provisions relating to the circumstances under which a constable or deputy constable has the powers of a peace officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more (currently only Clark County), and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000 (currently all counties other
than Clark County), to be certified by the Peace Officers’ Standards and Training Commission as a category II peace officer within 1 year after the constable’s date of hire. (NRS 258.007) [Sections] Section 1.3 [and 2] of this bill [repeal the category II certification requirement for such constables and instead require] requires a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 220,000 or more (currently the cities of Las Vegas, Henderson, Reno, and North Las Vegas) to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office.

Section 1.7 of this bill removes the requirements that: (1) the chief of police of the city authorize and consent to a constable’s power as a peace officer when the constable is acting in an incorporated city; and (2) the sheriff of the county authorize and consent to a constable’s power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city.

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

Section 1. [NRS 289.470 is hereby amended to read as follows:

289.470 “Category II peace officer” means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. School police officers employed by the board of trustees of any county school district;

10. Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the
collection of taxes or license fees, or the investigation of applicants for licenses;
11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;
12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;
13. Legislative police officers of the State of Nevada;
14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;
15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 63G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;
16. Field investigators of the Taxicab Authority;
17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;
18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;
19. Criminal investigators who are employed by the Secretary of State; and
20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator. (Deleted by amendment.)

Sec. 1.3. NRS 258.005 is hereby amended to read as follows:

258.005 1. No person is eligible to the office of constable unless the person:
(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed.; and
(b) Is a qualified elector.
(c) If the person is seeking election or appointment to the office of constable in a township in which is located a city whose population is 150,000 or more, before the time of his or her declaration of candidacy, acceptance of candidacy or appointment to the office:
   (1) Is certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission; or
   (2) Is certified as a category I or category II peace officer or its equivalent by the certifying authority of another state or a federal law enforcement agency that imposes requirements for certification substantially similar to the requirements imposed by this State, as determined by the Commission.
2. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether the person has been restored to his or her civil rights.

Sec. 1.7. NRS 258.070 is hereby amended to read as follows:

1. Subject to the provisions of subsections 2 and 3, each constable shall:
   (a) Be a peace officer.
   (b) Execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the constable for that purpose.
   (c) Discharge such other duties as are or may be prescribed by law.

2. Subject to the provisions of subsection 3, a constable or deputy constable has the powers of a peace officer:
   (a) For the discharge of duties as are or may be prescribed by law; and
   (b) For the purpose of arresting a person for a public offense committed or attempted in the presence of the constable or deputy constable, if the constable or deputy constable has reasonable cause to believe that the arrest is necessary to prevent harm to other persons or the escape of the person who committed or attempted the public offense.

3. In addition to the circumstances described in paragraphs (a) and (b):
   (1) In an area within the limits of an incorporated city, for the purposes authorized by and with the consent of the chief of police of the city; and
   (2) In an area that is not within the limits of an incorporated city, for the purposes authorized by and with the consent of the sheriff of the county.

3. The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless:
   (a) The constable has adopted a written policy on the use of deadly force by the constable and each deputy constable; and
   (b) The constable and each deputy constable has received training regarding the policy.

4. A constable or deputy constable authorized to carry a firearm pursuant to subsection 3 must receive training approved by the Peace Officers’ Standards and Training Commission in the use of firearms at least once every 6 months.

5. A constable or deputy constable who wears a uniform in the performance of his or her duties shall display prominently as part of that uniform a badge, nameplate or other uniform piece which clearly displays the name or an identification number of the constable or deputy constable.

6. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle which is located in his or her township at the time the citation is issued and which is required to be registered in this State if the constable determines that the vehicle is not
properly registered. Upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued, the constable is entitled to charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

7. If a sheriff or the sheriff’s deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff’s deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff’s deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 2. [NRS 289.550 is hereby amended to read as follows:]

289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310, 4.353, [258.007] 258.005 and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer; unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;
(b) The Director of the Department of Corrections;
(c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;
(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;
(e) Railroad police officers; and
(f) California correctional officers.] (Deleted by amendment.)

Sec. 3. [NRS 258.007 is hereby repealed.] (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2017.
1. Each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more, and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers’ Standards and Training Commission as a category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 260.
Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:02 p.m.

ASSEMBLY IN SESSION

At 1:03 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 260 be taken from the General File and placed on the Chief Clerk’s desk.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:04 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.
Mr. Speaker presiding.
Quorum present.
Assemblywoman Benitez-Thompson moved that Senate Bill No. 413 be taken from the Chief Clerk’s desk and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 413.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Senate Bill 413 establishes the last Saturday in September of each year as “Public Lands Day” and authorizes the Governor to issue annually a proclamation encouraging its observance and recognizing the importance, uniqueness, and value of public lands in this state.

Roll call on Senate Bill No. 413:
YEAS—33.
EXCUSED—Diaz, Titus, Woodbury—3.
Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 6 p.m.
Motion carried.
Assembly in recess at 1:17 p.m.

ASSEMBLY IN SESSION

At 6:57 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Commerce and Labor, to which was referred Senate Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, Chair

Mr. Speaker:
Your Committee on Health and Human Services, to which was referred Senate Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, Chair
To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 83, Amendment No. 853; Assembly Bill No. 160, Amendment No. 862; Assembly Bill No. 163, Amendment No. 856; Assembly Bill No. 427, Amendment No. 755; Assembly Bill No. 449, Amendment No. 876; Assembly Bill No. 457, Amendment No. 860, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 496.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 457, 524.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 457.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 496.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 524.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 253 and 260 be taken from the Chief Clerk’s desk and placed at the top of the General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 26, 411, and 169 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 26.
Bill read third time.
Remarks by Assemblywomen Bilbray-Axelrod, Krasner, and Spiegel.
ASSEMBLYWOMAN BILBRAY-AXELROD:
Senate Bill 26 prohibits governing bodies of a local government and the Administrator of the Purchasing Division of the Department of Administration from entering into a contract with a company unless the contract includes a written certification that the company is not engaged in—and agrees for the duration of the contract not to engage in—a boycott of Israel.

The BDS [Boycott, Divestment, Sanctions] movement seeks to economically, politically, and culturally isolate, humiliate, and delegitimize the country of Israel. That sounds like bullying to me. America has never had a stronger friend or ally than the one we have in Israel. As I tell my daughter, if your friend is being bullied, you stand up on behalf of that friend. Nevada does not like bullies, either, and we should stand up with our friend, stand up for Israel. I urge your support on S.B. 26.

ASSEMBLYWOMAN KRASNER:
I rise in support of Senate Bill 26. Throughout the last few years, we have seen a very disturbing trend of anti-Israel and anti-Semitic boycotts of one of our closest allies. The United States has no greater friend in the Middle East than the state of Israel. Senate Bill will make clear to our friends here at home and abroad that Nevada stands with Israel. Prejudice is prejudice, and I urge my colleagues to join me to stand by Israel and vote yes on S.B. 26 today.

ASSEMBLYWOMAN SPIEGEL:
I rise in support of S.B. 26. Throughout this session, I have been asked why this bill is important to Nevada. First, Nevada has a special relationship with Israel. As a state, we rely on Israeli and Israeli companies for technology, water acumen, agricultural expertise, and a great deal of our economic development. In the past 11 years, Israeli companies have invested over $1.7 billion and employed over 6,100 Nevadans. Not passing this bill could put those jobs at risk, as well as future investments and future jobs.

Putting this into perspective, the Tesla deal involved 6,500 direct factory employees and capital expenditures of $1.5 billion over 20 years. As you can see, our state's economic relationship with Israel is quite significant. As legislators, we have a fiduciary responsibility to the state, and we know that we should not take actions that could harm our state's economy, and we also have a responsibility to ensure that we do not knowingly allow actions that could harm our state's economy.

We have heard from Nevada’s Jewish community. This bill is important to us. We are a small minority yet Nevada has the highest per capita Jewish population west of the Mississippi. For most of us, increases in anti-Semitism make us united in our efforts to ensure that Israel continues to exist. As a community, we have seen an increase in anti-Semitism worldwide and we look at the effects it has been having on our extended families. In France, in the year following attacks on a kosher supermarket in Paris, 9,000 French Jews left the country to move to Israel compared with just 1,900 five years earlier. Most of those people had no long-term plans to leave their homes, their friends, their families, and their businesses. They left because they felt they needed to do so to survive, and Israel is their safety net. Sadly, anti-Semitism has been increasing here in Nevada, too. Just earlier this month a man set two fires at the Chabad Jewish Center of Las Vegas. As a community, we know what anti-Semitism feels like and, yes, it is personal. A number of years ago, I had anti-Semitic materials left at my front door. I reported it to the FBI [Federal Bureau of Investigation], but I was so unnerved that for days afterwards I shook whenever I thought of it.

Home means Nevada to us, and the vast majority of us have no intention of moving to Israel or leaving Nevada. I can tell you that I have never even been there, but I can also tell you that Israel’s very existence provides me and my community with the knowledge that we have a safety net. This knowledge is what allowed me to sleep at night when I went through that experience. As a legislator, I know that what is important to hard-working Nevadans is important to me, and this bill is important to our constituents. I looked at the online opinion poll, and this is one of the most commented on bills of the session. As of this afternoon, there were 406 responses and 95 percent of them were in support of this bill.

Finally, as you all prepare to cast your vote, please think about Israel’s positive impact on our economy and its importance to our constituents. I would also like you to keep in mind that S.B. 26 addresses the discriminatory aspects of the anti-Israel BDS movement whose goal is to
destroy Israel, while not denying free speech. While this bill would mandate that the state of Nevada only do business with and invest in companies that do not boycott Israel, it in no way restricts the thought or speech of any individual acting in a personal capacity. The intent of S.B. 26 is to make sure that anti-Semitism cannot enter our state’s business dealings. It is good for our business, it is good for our economy, it is good for our constituents, and I urge your support.

Roll call on Senate Bill No. 26:
YEAS—39.
NAYS—None.
EXCUSED—Daly, Ellison, Flores—3.
Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 411.
Bill read third time.
Remarks by Assemblywomen Jauregui, Titus, and Carlton.

ASSEMBLYWOMAN JAUREGUI:
Senate Bill 411 provides that the release of a feral cat that has been caught to vaccinate, spay, or neuter and released back to the location where the feral cat was caught does not constitute abandonment.

ASSEMBLYWOMAN TITUS:
I rise in opposition of S.B. 411. My colleagues from Nevada’s urban areas may not be familiar with the struggles rural Nevadans face, but please believe me when I tell you that cats are predators to our native wildlife and should never be released back into the wild after being trapped. These cats do indeed cause significant damage.
PETA [People for the Ethical Treatment of Animals], the largest animal organization in the world, is against S.B. 411. They state in the letter that we all received that there is no evidence that maintained cat colonies adequately reduce populations and, furthermore, may even encourage abandonment. The answer to cat overpopulation and irresponsible guardianship is not widespread animal abandonment programs. It is spaying and neutering and keeping cats safely indoors. I urge my colleagues to join me in voting no on S.B. 411. Let us keep these predators off our lands and keep our native animals safe.

ASSEMBLYWOMAN CARLTON:
I rise in support of S.B. 411. Living on Sunrise Mountain, we have a definite problem up there. Clark County has already started a program of trap, neuter, and release; they nip the tip of the ear of the cat, they neuter the cat, and they release it. These are wild cats. They will never be able to be adopted. One of the best ways to approach this is to lower the population. I love bats. They are great on Sunrise Mountain. I watch them fly over my pool. I hate the fact that the feral cats are hunting the bats, but I know that we cannot possibly get rid of all of these cats. So the best thing to do is to allow nature to take its course, and if they cannot procreate, then we are doing a good job for them. They are living wild and free and when they are done, they are done.

Roll call on Senate Bill No. 411:
YEAS—30.
EXCUSED—Ellison.
Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.
Senate Bill No. 169.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 883.

SENATOR HARRIS

JOINT SPONSORS: ASSEMBLYMAN YEAGER

[CONTAINS UNFUNDED MANDATE (§§ 1.3, 1.7)]

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENTS)

AN ACT relating to crimes; requiring each law enforcement agency in this State to establish a sexual assault forensic evidence kit tracking program; requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon request of a victim, to test a sexual assault forensic evidence kit within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis; prohibiting employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control or supervision of the entity; making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; revising provisions prohibiting certain employees of or volunteers at a public or private school from engaging in sexual conduct with certain pupils; revising provisions prohibiting certain employees of a college or university from engaging in sexual conduct with certain students; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill requires each law enforcement agency that receives sexual assault forensic evidence kits, also known as “SAFE kits,” to: (1) establish a program to track SAFE kits; and (2) provide access to the program to certain victims and agencies. Section 1.3 also provides civil immunity to certain persons who participate in the program in good faith and without gross negligence.

Section 1.7 of this bill requires a law enforcement agency to submit a SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Section 1.7 also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than 180 days after receiving the SAFE kit, if the victim of a sexual assault requests such testing; and (2) report annually to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and to the Director of the Legislative Counsel Bureau, or to the Legislative Commission, as applicable. The report must include information concerning the number of SAFE kits that have been in the possession of the forensic laboratory for a period longer than 1 year and which have not been tested.
Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 10 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits.

Existing law imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils. (NRS 201.540) Section 8 of this bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity. Section 8 provides that a person is guilty of a category C felony if he or she: (1) is 25 years of age or older; (2) is in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau.

Sections 2-7 of this bill expand the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is employed by or is or was volunteering at a public or private school; and (3) engages in sexual conduct with a pupil who is 16 years of age or older and who is or was enrolled at or attending the school. (NRS 201.540) Section 8.3 of this bill: (1) provides that this crime applies only to an employee of or volunteer at a school who is in a position of authority; and (2) clarifies that the exemption from this crime for an employee or volunteer who is married to the pupil applies only if the employee or volunteer and the pupil are married at the time the prohibited act is committed.

Similarly, existing law generally provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled at or attending the college or university. (NRS 201.550) Section 8.7 of
this bill clarifies that the exemption from this crime for an employee who is married to the student applies only if the employee and the student are married at the time the prohibited act is committed.

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

Section 1. (Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.) (Deleted by amendment.)

Sec. 1.3. 1. Each law enforcement agency that receives sexual assault forensic evidence kits shall establish a program to track sexual assault forensic evidence kits. The law enforcement agency may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section, including, without limitation, entering into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, with another law enforcement agency that has established a program to track sexual assault forensic evidence kits.

2. A program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by the law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.) (Deleted by amendment.)

Sec. 1.7. 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who:

(a) Has chosen to remain anonymous; or

(b) Indicates that he or she is not a victim of sexual assault.

2. A forensic laboratory shall, not later than 180 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit.
3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before August 31 of each year, submit a report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246 and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must contain the total number of sexual assault forensic evidence kits which have:

(a) Been in the possession of the forensic laboratory for a period longer than 1 year; and

(b) Not been tested. (Deleted by amendment.)

Sec. 2. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

4. "Offense involving a pupil or child" means any of the following offenses:

   (a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

   (b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

   (c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.

5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.

6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

7. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.
“Statutory sexual seduction” means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

“Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.

“Victim of sexual assault” has the meaning ascribed to it in NRS 217.280.

Sec. 3. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense, an offense involving a pupil or child or sex trafficking:
   (a) Reports the sexual offense, offense involving a pupil or child or sex trafficking to the appropriate authorities;
   (b) Cooperates in the investigation and prosecution of the sexual offense, offense involving a pupil or child or sex trafficking; and
   (c) Testifies at the criminal trial of the person charged with committing the sexual offense, offense involving a pupil or child or sex trafficking.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses, offenses involving a pupil or child or sex trafficking. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses, offenses involving a pupil or child or sex trafficking.

3. A victim of a sexual offense, an offense involving a pupil or child or sex trafficking may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense, an offense involving a pupil or child or sex trafficking is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, offenses involving a pupil or child or sex trafficking.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, an offense involving a pupil or child or sex trafficking.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, offenses involving a pupil or child or sex trafficking from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 4. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:


(a) Court records, including testimony from witnesses;
(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
(c) Records of criminal history, as that term is defined in NRS 179A.070; and
(d) Records in the Central Repository for Nevada Records of Criminal History,
that reveals the identity of a victim of a sexual offense, an offense involving a pupil or child or sex trafficking is confidential, including but not limited to the victim’s photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense, an offense involving a pupil or child or sex trafficking and the defendant’s attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant’s attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:
(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;
(b) The disclosure will not place the victim at risk of personal harm; and
(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:
(a) Any publication or broadcast by the media concerning a sexual offense, an offense involving a pupil or child or sex trafficking.
(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:
   (1) The organization or agency needs identifying information of victims to offer such services; and
   (2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 5. NRS 200.3772 is hereby amended to read as follows:
200.3772 1. A victim of a sexual offense, an offense involving a pupil or child or sex trafficking may choose a pseudonym to be used instead of the victim’s name on all files, records and documents pertaining to the sexual offense, offense involving a pupil or child or sex trafficking, including, without limitation, criminal intelligence and investigative reports, court records and media releases.
2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, offense involving a pupil or child or sex trafficking. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:
   (a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency’s possession; and
   (b) Notify the prosecuting attorney of the pseudonym.
   The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense, offense involving a pupil or child or sex trafficking.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant’s attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant’s attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense, offense involving a pupil or child or sex trafficking, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:
   (a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or
   (b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency’s possession.

Sec. 6. NRS 200.3773 is hereby amended to read as follows:

Sec. 2. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense, an offense involving a pupil or child or sex trafficking shall not intentionally or knowingly disclose the identifying information to any person other than:
   (a) The defendant or the defendant’s attorney;
   (b) A person who is directly involved in the investigation, prosecution or defense of the case;
(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or
(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 7. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, offense involving a pupil or child or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim’s identity.

Sec. 8. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who:
   (a) Is 25 years of age or older;
   (b) Is in a position of authority as an employee or contractor of or volunteer for an entity which provides services to children; and
   (c) Engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and:
      (1) Who is under the care, custody, control or supervision of the entity at which the person is employed or volunteering or of which the person is a contractor; and
      (2) With whom the person has had contact in the course of performing his or her duties as an employee, contractor or volunteer,

is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section do not apply to a person who is an employee or contractor of or volunteer for an entity which provides services to children and who is married to the person under the care, custody, control or supervision of the entity at the time an act prohibited by this section is committed.

3. A person convicted pursuant to this section is not subject to the registration or community notification requirements of chapter 179D of NRS.

4. As used in this section:
   (a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.
   (b) “Department of juvenile justice services” means:
      (1) In a county whose population is less than 100,000, the probation department of the juvenile court established pursuant to NRS 62G.010 to 62G.070, inclusive;
      (2) In a county whose population is 100,000 or more but less than 700,000, the department of juvenile services established pursuant to NRS 62G.100 to 62G.170, inclusive; and
In a county whose population is 700,000 or more, the department of juvenile justice services established by ordinance pursuant to NRS 62G.210 or, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.210, the department of juvenile justice services established pursuant to NRS 62G.300 to 62G.370, inclusive.

(c) “Entity which provides services to children” means:
   (1) An agency which provides child welfare services;
   (2) A department of juvenile justice services;
   (3) A foster home; or
   (4) The Youth Parole Bureau.

(d) “Foster home” has the meaning ascribed to it in NRS 424.014.

(e) “Youth Parole Bureau” has the meaning ascribed to it in NRS 62A.350.

Sec. 8.3. NRS 201.540 is hereby amended to read as follows:
201.540  1. Except as otherwise provided in subsection 2, a person who:
(a) Is 21 years of age or older;
(b) Is or was employed by a public school or private school in a position of authority or is or was volunteering at a public or private school; and
(c) Engages in sexual conduct with a pupil who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and:
   (1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or
   (2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,
   ➔ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

  2. The provisions of this section do not apply to a person who is married to the pupil at the time an act prohibited by this section is committed.

  3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 8.7. NRS 201.550 is hereby amended to read as follows:
201.550  1. Except as otherwise provided in subsection 3, a person who:
(a) Is 21 years of age or older;
(b) Is employed in a position of authority by a college or university; and
(c) Engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,
   ➔ is guilty of a category C felony and shall be punished as provided in NRS 193.130.
2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:
(a) A teacher, instructor or professor;
(b) An administrator; or
(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student at the time an act prohibited by this section is committed.

4. The provisions of this section must not be construed to apply to sexual conduct between two students.

Sec. 9. (Deleted by amendment.)

Sec. 10. [NRS 176.01246 is hereby amended to read as follows:]

176.01246 1. There is hereby created the Subcommittee to Review [Arrestee] DNA of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:
(a) A member experienced in defending criminal actions;
(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.

3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues relating to DNA [of arrested persons] and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:
(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; [and]
(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied [1]; and
(c) The submission, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section 1.7 of this act.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day’s attendance at a meeting of the Subcommittee.
7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:
   (a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.
   (b) "DNA" has the meaning ascribed to it in NRS 176.09114.
   (c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.
   (d) "DNA record" has the meaning ascribed to it in NRS 176.09116.
   (e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.

Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 21.5. 1. The amendatory provisions of section 1.7 of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after July 1, 2017.
   2. Each forensic laboratory shall, on or before August 31, 2017, submit its first report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice.
   3. As used in this section:
      (a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.
      (b) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364 as amended by section 2 of this act.

Sec. 22. (Deleted by amendment.)
Sec. 22.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 23. The provisions of NRS 351.509 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 24. 1. This section and sections 1.7 and 21 to 23, inclusive, of this act become effective on July 1, 2017.
2. Sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act become effective on October 1, 2017.
3. Sections 1.3 and 10 of this act become effective on January 1, 2020.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 253.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 800.

SENATORS CANNIZZARO, RATTI, WOODHOUSE, CANCELA, FORD; DENIS, FARLEY, HARDY, MANENDO, PARKS, SEGERBLOM AND SPEARMAN

AN ACT relating to employment; establishing the Nevada Pregnant Workers’ Fairness Act; requiring certain employers to provide reasonable accommodations to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, except in certain circumstances; prohibiting certain other discriminatory practices by employers relating to pregnancy, childbirth or a related medical condition; authorizing the Nevada Equal Rights Commission to investigate complaints of such unlawful employment practices; requiring the Commission to carry out programs to educate employers and others about certain rights and responsibilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
The federal Pregnancy Discrimination Act amended title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy. (42 U.S.C. § 2000(e)(k)) The Act requires employers with 15 or more employees to treat employees and applicants for employment who are affected by pregnancy, childbirth or related medical conditions the same as other employees and applicants who have similar abilities or limitations. The Act covers all aspects of employment, including hiring, firing, promoting and providing benefits and protects against discrimination of a person who is pregnant, has been pregnant and who may become pregnant as well as anyone who has, who has had or could have a medical condition that is related to pregnancy. (29 C.F.R. § 1604.10)

Existing law in this State prohibits various types of discrimination in employment, including discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. (NRS 613.330-613.380) In addition, existing law requires an employer that provides leave to employees for sickness or disability because of a medical condition to provide the same leave to an employee who is pregnant. (NRS 613.335) As with the federal law, existing law in this State
makes these provisions applicable to an employer with 15 or more employees, and includes state and local governments. (NRS 613.310)

Sections 2-8 and 11 of this bill create the Nevada Pregnant Workers’ Fairness Act which provides protections to employees in this State similar to the protections of the federal Pregnancy Discrimination Act. As with other provisions prohibiting discrimination in existing law, the Nevada Pregnant Workers’ Fairness Act applies to employers with 15 or more employees and also applies to state and local governments.

Section 5 of this bill makes it an unlawful employment practice, with certain limited exceptions, for such employers to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer. Section 6 of this bill describes the requirements and manner in which to provide a reasonable accommodation. Section 7 of this bill sets forth: (1) the prima facie burden that a female employee or applicant for employment is required to meet concerning a requested reasonable accommodation before the burden of proof shifts to the employer to demonstrate that providing such an accommodation would impose an undue hardship on the business of the employer; and (2) the manner in which to determine whether an undue hardship exists. Section 5 also makes it an unlawful employment practice, with certain limited exceptions, for an employer to: (1) take adverse employment actions against a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition; (2) deny an employment opportunity to a qualified female employee or applicant for employment based on a need for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition; and (3) require a female employee or applicant for employment who is affected by a condition relating to pregnancy, childbirth or a related medical condition to accept an accommodation or to take a leave from employment if an accommodation is available.

Section 5 further authorizes an employer to require a female employee to provide an explanatory statement from the employee’s physician concerning the specific accommodation recommended by the physician for the employee. Section 11 of this bill extends the existing law requiring leave policies to be the same for pregnant employees as other employees so that it applies to a female employee who has a condition relating to pregnancy, childbirth or a related medical condition.

Section 15 of this bill authorizes a person injured by an unlawful employment practice within the scope of the Nevada Pregnant Workers’ Fairness Act to file a complaint with the Nevada Equal Rights Commission.
Section 16 of this bill authorizes a person alleging an unfair employment practice under the Nevada Pregnant Workers’ Fairness Act to file an action in district court if the Commission does not conclude that an unfair employment practice has occurred.

Section 17 of this bill requires the Commission to develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities under the Nevada Pregnant Workers’ Fairness Act.

Section 18 of this bill authorizes the Commission to investigate any unlawful employment practice by an employer under the Nevada Pregnant Workers’ Fairness Act.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. The provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act may be cited as the Nevada Pregnant Workers’ Fairness Act.

Sec. 3. As used in NRS 613.335 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3.3, 3.5 and 3.7 of this act have the meanings ascribed to them in those sections.

Sec. 3.3. “Condition of the applicant relating to pregnancy, childbirth or a related medical condition,” “condition of the employee relating to pregnancy, childbirth or a related medical condition” or “condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition” means a physical or mental condition intrinsic to pregnancy or childbirth that includes, without limitation, lactation or the need to express breast milk for a nursing child.

Sec. 3.5. “Reasonable accommodation” means an action described in section 6 of this act that is taken by an employer for a female employee or applicant for employment who has a condition relating to pregnancy, childbirth or a related medical condition.

Sec. 3.7. “Related medical condition” means any medically recognized physical or mental condition related to pregnancy, childbirth or recovery from pregnancy or childbirth. The term includes, without limitation, mastitis or other lactation-related medical condition, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, loss or end of pregnancy and recovery from loss or end of pregnancy.

Sec. 4. 1. The Legislature hereby finds and declares that:
(a) Workplace laws must adequately protect pregnant women from being terminated from their employment because of the refusal of their employer to provide a reasonable accommodation;
(b) Women are often the primary income earners for their families and unemployment resulting from the failure of their employers to provide
accommodations in the workplace is an outcome that families cannot afford to endure; and
(c) By remaining employed, pregnant women continue to provide economic security for their families, which in turn provides an economic benefit to the economy of this State.

2. The Legislature further finds and declares that it is the intent of the Legislature to fight against discrimination based on pregnancy, childbirth or a related medical condition, promote public health and ensure that women realize full and equal participation in the workforce by requiring employers to provide reasonable accommodations to employees who are pregnant, have given birth or have a related medical condition.

Sec. 5. 1. Except as otherwise provided in subsections 2 and 3, it is an unlawful employment practice for an employer to:
(a) Refuse to provide a reasonable accommodation to a female employee or applicant for employment upon request of the employee or applicant, as applicable, for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer as determined pursuant to section 7 of this act;
(b) Take an adverse employment action against a female employee because the employee requests or uses a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition which may include, without limitation, refusing to promote the employee, requiring the employee to transfer to another position, refusing to reinstate the employee to the same or an equivalent position upon return to work or taking any other action which affects the terms or conditions of employment in a manner which is not desired by the employee;
(c) Deny an employment opportunity to an otherwise qualified female employee or applicant for employment based on the need of the employee or applicant, as applicable, for a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition;
(d) Require a female employee or applicant for employment who is affected by a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition to accept an accommodation that the employee or applicant did not request or chooses not to accept; and
(e) Require a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition to take leave from employment if a reasonable accommodation for any such condition of the employee is available that would allow the employee to continue to work.

2. It is not an unlawful employment practice for an employer take an action set forth in this section if the action is based upon a bona fide occupational qualification.
3. An employer who is a contractor licensed pursuant to chapter 624 of NRS is not subject to:
   (a) The requirements of this section with regard to a request of a female employee to provide a reasonable accommodation if the requested accommodation is to provide a place, other than a bathroom, where the employee may express breast milk and the employee is performing work at a construction job site that is located more than 3 miles from the regular place of business of the employer; or
   (b) The requirements of paragraph (d) or (e) of subsection 1 with regard to a female employee who is affected by a condition of the employee relating to pregnancy, childbirth or a related medical condition if the work duties of the employee include the performance of manual labor.

4. An employer who is a contractor licensed pursuant to chapter 624 of NRS is encouraged to provide a reasonable accommodation described in paragraph (a) of subsection 3 to the extent practicable.

5. An employer may require a female employee to provide an explanatory statement from the employee’s physician concerning the specific accommodation recommended by the physician for the employee.

6. This section must not be construed to preempt, limit, diminish or otherwise affect any other provision of law relating to discrimination on the basis of sex or pregnancy.

Sec. 6. 1. If a female employee requests an accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition, the employer and employee must engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation for the employee. An accommodation may consist of a change in the work environment or in the way things are customarily carried out that allows the employee to have equal employment opportunities, including the ability to perform the essential function of the position and to have benefits and privileges of employment that are equal to those available to other employees.

2. A reasonable accommodation provided by an employer to a female applicant for employment which is based on a condition of the applicant relating to pregnancy, childbirth or a related medical condition may consist of a modification to the application process or the manner in which things are customarily carried out that allows the applicant to be considered for employment or hired for a position.

3. A reasonable accommodation pursuant to this section may include, without limitation:
   (a) Modifying equipment or providing different seating;
   (b) Revising break schedules, which may include revising the frequency or duration of breaks;
   (c) Providing space in an area other than a bathroom that may be used for expressing breast milk;
(d) Providing assistance with manual labor ***if the manual labor is incidental to the primary work duties of the employee;***

(e) Authorizing light duty;

(f) Temporarily transferring the employee to a less strenuous or hazardous position; or

(g) Restructuring a position or providing a modified work schedule.

4. An employer is not required by this section or section 5 of this act to:

(a) Create a new position that the employer would not have otherwise created, unless the employer has created or would create such a position to accommodate other classes of employees; or

(b) Discharge any employee, transfer any employee with more seniority or promote any employee who is not qualified to perform the job, unless the employer has taken or would take such an action to accommodate other classes of employees.

Sec. 7. 1. If a female employee or applicant for employment makes a prima facie showing that the employee or applicant requested a reasonable accommodation for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition and the employer refused to provide or attempt to provide the reasonable accommodation, the burden of proof shifts to the employer to demonstrate that providing such an accommodation would impose an undue hardship on the business of the employer.

2. To prove such an undue hardship, the employer must demonstrate that the accommodation is significantly difficult to provide or expensive considering, without limitation:

(a) The nature and cost of the accommodation;

(b) The overall financial resources of the employer;

(c) The overall size of the business of the employer with respect to the number of employees and the number, type and location of the available facilities; and

(d) The effect of the accommodation on the expenses and resources of the employer or the effect of the accommodation on the operations of the employer.

3. Evidence that the employer provides or would be required to provide a similar accommodation to a similarly situated employee or applicant for employment creates a rebuttable presumption that the accommodation does not impose an undue hardship on the employer.

Sec. 8. 1. An employer shall provide a written or electronic notice to employees that they have the right to be free from discriminatory or unlawful employment practices pursuant to NRS 613.335 and sections 2 to 8, inclusive, of this act. The notice must include a statement that a female employee has the right to a reasonable accommodation for a condition of the employee relating to pregnancy, childbirth or a related medical condition.
2. An employer shall provide the notice required pursuant to subsection 1:
   (a) To a new employee upon commencement of employment; and
   (b) Within 10 days after an employee notifies the employee’s immediate supervisor that the employee is pregnant.

3. An employer shall post the notice required pursuant to subsection 1 in a conspicuous place at the place of business of the employer that is located in an area which is accessible to employees.

Sec. 9. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act, unless the context otherwise requires:

1. “Disability” means, with respect to a person:
   (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;
   (b) A record of such an impairment; or
   (c) Being regarded as having such an impairment.

2. “Employer” means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:
   (a) The United States or any corporation wholly owned by the United States.
   (b) Any Indian tribe.
   (c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

5. “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. “Person” includes the State of Nevada and any of its political subdivisions.

7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 10. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act do not apply to:
(a) Any employer with respect to employment outside this state.
(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 11. NRS 613.335 is hereby amended to read as follows:
613.335 If an employer grants leave with pay, leave without pay, or leave without loss of seniority to his or her employees for sickness or disability because of a medical condition, it is an unlawful employment practice to fail or refuse to extend the same benefits to any female employee [who is pregnant] for a condition of the employee relating to pregnancy, childbirth or a related medical condition. The female employee who is pregnant must be allowed to use the leave before and after childbirth, miscarriage or other natural resolution of her pregnancy, if the leave is granted, accrued or allowed to accumulate as a part of her employment benefits.

Sec. 12. NRS 613.340 is hereby amended to read as follows:
613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive [4], and sections 2 to 8, inclusive, of this act.

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.
Sec. 13. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees’ benefits, such as a retirement,
pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee’s gender identity or expression.

Sec. 14. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 15. NRS 613.405 is hereby amended to read as follows:

613.405 Any person injured by an unlawful employment practice [within]:

1. Within the scope of NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Within the scope of NRS 613.335 and sections 2 to 8, inclusive, of this act may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on an employer’s failure to comply with the provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act.

Sec. 16. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.435, inclusive, and sections 2 to 8, inclusive, of this act has occurred, any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections.

Sec. 17. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all racial, religious, disabled and ethnic groups and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, religion, sex, age, disability or nationality.
3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, creed, sex, age, disability, national origin or ancestry, and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various racial, religious, disabled, nationality and ethnic groups, veterans’ organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.335 and sections 2 to 8, inclusive, of this act.

Sec. 18. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:
   (a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.
   (b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.
   (c) With regard to employment, investigate:
      (1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and
      (2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.335 and sections 2 to 8, inclusive, of this act, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.
5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 19. 1. An employer shall provide the written notice required pursuant to section 8 of this act to existing employees of the employer to inform the employees of the rights that will become effective on October 1, 2017.

2. As used in this section, “employer” has the meaning ascribed to it in NRS 613.310.

Sec. 20. This act becomes effective:
1. Upon passage and approval for the purpose of providing the notice required pursuant to section 19 of this act; and
2. On October 1, 2017, for all other purposes.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 253 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 253.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:
Senate Bill 253 establishes the Nevada Pregnant Workers' Fairness Act, which provides protections to female employees similar to the protections of the federal Pregnancy Discrimination Act. The Act makes it an unlawful employment practice, with certain exceptions, for an employer to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition relating to pregnancy, childbirth, or a related medical condition unless the accommodation would impose an undue hardship on the business of the employer. The measure applies to employers with 15 or more employees and also applies to state and local governments.

A person injured by an unlawful practice within the scope of the Act may file a complaint with the Nevada Equal Rights Commission. The Commission may investigate any unlawful employment practice by an employer under the Act. If the Commission does not conclude that an unfair employment practice has occurred, a person may file an action in district court. The Commission must carry out programs to educate employers and others about their rights and responsibilities under the Act.

This bill is effective upon passage and approval for the purpose of requiring an employer to provide written notice to existing employees of the rights that will be effective on October 1, 2017, and on October 1, 2017, for all other purposes.
Roll call on Senate Bill No. 253:

YEAS—34.


EXCUSED—Ellison.

Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 932.

SUMMARY—Establishes requirements for engaging in the collaborative practice of pharmacy.

AN ACT relating to pharmacists; authorizing a pharmacist who has entered into a valid collaborative practice agreement to engage in the collaborative practice of pharmacy and collaborative drug therapy management under certain conditions; requiring a pharmacist who engages in the collaborative practice of pharmacy to maintain certain records; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a pharmacist to implement, monitor and modify drug therapy pursuant to written guidelines developed by the pharmacist in collaboration with a practitioner. (NRS 639.2809) Section 4 of this bill authorizes a pharmacist to engage in the collaborative practice of pharmacy or collaborative drug therapy management pursuant to a collaborative practice agreement entered into with one or more practitioners who practice in the same geographic area, within 100 miles of the primary location where the pharmacist practices in this State. Section 3 of this bill defines the term “collaborative practice of pharmacy” to mean the management of drug therapy and performance of tests to address chronic diseases and public health issues. Section 1.5 of this bill defines the term “collaborative drug therapy management” to mean the initiating, monitoring, modifying or discontinuing of a patient’s drug therapy. Section 4 requires a practitioner to agree to obtain the informed, written consent of his or her patients that are referred to a pharmacist pursuant to a collaborative practice agreement for collaborative drug therapy management. Section 4 also requires a pharmacist who engages in the collaborative practice of pharmacy pursuant to a collaborative practice agreement to keep certain records and obtain the informed, written consent of his or her patients. Section 5 of this bill prescribes the contents and duration of a collaborative practice agreement. (Section 6 of this bill additionally authorizes a pharmacist to engage in the collaborative practice of pharmacy in accordance with an agreement with the operator of an institutional pharmacy or his or her designee while providing treatment and care to...
patients of the medical facility in conjunction with which the institutional pharmacy is operated. Section 8 of this bill clarifies that the activities authorized by this bill constitute the practice of pharmacy. Sections 7 and 9-11 of this bill make conforming changes.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 6, inclusive, of this act.

Sec. 1.5. “Collaborative drug therapy management” means initiating, monitoring, modifying or discontinuing a patient’s drug therapy by a pharmacist or one or more pharmacists under the supervision of one or more practitioners in accordance with a collaborative practice agreement.

Sec. 2. “Collaborative practice agreement” means an agreement that meets the requirements of section 5 of this act between a pharmacist or one or more pharmacists and one or more practitioners which authorizes the pharmacist to engage in the collaborative practice of pharmacy or collaborative drug therapy management.

Sec. 3. “Collaborative practice of pharmacy” means the performance of drug therapy and testing tests to address chronic diseases and public health issues, including, without limitation, outbreaks and occurrences of specific diseases and disorders, by one or more pharmacists in collaboration with one or more practitioners and in accordance with a collaborative practice agreement or an agreement entered into pursuant to section 6 of this act.

Sec. 4. 1. Except as otherwise provided in subsection 5, a pharmacist who has entered into a valid collaborative practice agreement may engage in the collaborative practice of pharmacy or collaborative drug therapy management at any location in this State. Except as otherwise provided in section 6 of this act, a pharmacist shall not engage in the collaborative practice of pharmacy unless the pharmacist has entered into such an agreement.

2. To enter into a collaborative practice agreement, a practitioner must:
   (a) Be licensed in good standing to practice his or her profession in this State;
   (b) Agree to maintain an ongoing relationship with the patient who is referred by the practitioner to a pharmacist pursuant to a collaborative practice agreement for collaborative drug therapy management;
   (c) Agree to obtain the informed, written consent from the patient who is referred by the practitioner to a pharmacist pursuant to subsection 4 and record such consent in the medical record of the patient, a collaborative practice agreement for collaborative drug therapy management; and
(d) Except as otherwise provided in this paragraph, actively practice his or her profession within 100 miles of the primary location where the collaborating pharmacist practices in this State. A practitioner and pharmacist may submit a written request to the Board for an exemption from the requirements of this paragraph. The Board may grant such a request upon a showing of good cause.

3. A pharmacist who engages in the collaborative practice of pharmacy shall:
   (a) Except as otherwise provided in paragraph (b), document any treatment or care provided to a patient pursuant to a collaborative practice agreement within 24 hours after providing such treatment or care in the medical record of the patient, on the chart of the patient or in a separate log book;
   (b) Document in the medical record of the patient, on the chart of the patient or in a separate log book any decision or action concerning the management of drug therapy pursuant to a collaborative practice agreement after making such a decision or taking such an action;
   (c) Maintain all records concerning the care or treatment provided to a patient pursuant to a collaborative practice agreement in written or electronic form for at least 7 years; and
   (d) Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the regulations adopted pursuant thereto, and all other federal and state laws and regulations concerning the privacy of information regarding health care; and
   (e) Provide a patient with written notification of:
   (1) Any test administered by the pharmacist and the results of such a test;
   (2) The name of any drug or prescription filled and dispensed by the pharmacist to the patient; and
   (3) The contact information of the pharmacist.

4. A pharmacist shall obtain the informed, written consent of a patient before engaging in the collaborative practice of pharmacy on behalf of the patient. Such written consent must include, without limitation, a statement that the pharmacist:
   (a) May initiate, modify or discontinue the medication of the patient pursuant to a collaborative practice agreement;
   (b) Is not a physician, osteopathic physician, advanced practice registered nurse or physician assistant; and
   (c) May not diagnose.

5. A practitioner may not enter into a collaborative practice agreement with a pharmacist for the management of controlled substances.

6. A pharmacy must not require a registered pharmacist, as a condition of employment, to enter into a collaborative practice agreement.

Sec. 5. 1. A collaborative practice agreement must be signed by each practitioner and pharmacist who enter into the agreement and submitted to
the Board in written and electronic form. A collaborative practice agreement must include:

(a) A description of the types of decisions concerning the management of drug therapy that the pharmacist is authorized to make, which may include a specific description of the diseases and drugs for which the pharmacist is authorized to manage drug therapy;

(b) A detailed explanation of the procedures that the pharmacist must follow when engaging in the collaborative practice of pharmacy, including, without limitation, the manner in which the pharmacist must document decisions concerning treatment and care in accordance with subsection 3 of section 4 of this act, report such decisions to the practitioner and receive feedback from the practitioner;

(c) The procedure by which the pharmacist will notify the practitioner of an adverse event concerning the health of the patient;

(d) The procedure by which the practitioner will provide the pharmacist with a diagnosis of the patient and any other medical information necessary to carry out the patient’s drug therapy management.

(e) A description of the means by which the practitioner will monitor clinical outcomes of a patient and intercede when necessary to protect the health of the patient or accomplish the goals of the treatment prescribed for the patient;

(f) Authorization for the practitioner to override the agreement if necessary to protect the health of the patient or accomplish the goals of the treatment prescribed for the patient;

(g) Authorization for either party to terminate the agreement by written notice to the other party, which must include, without limitation, written notice to the patient that informs the patient of the procedures by which he or she may continue drug therapy;

(h) The effective date of the agreement;

(i) The date by which a review must be conducted pursuant to subsection 2 for the renewal of the agreement, which must not be later than the expiration date of the agreement;

(j) The address of the location where the records described in subsection 3 of section 4 of this act will be maintained; and

(k) The process by which the pharmacist will obtain the informed, written consent required by subsection 4 of section 4 of this act.

2. A collaborative practice agreement must expire not later than 1 year after the date on which the agreement becomes effective. The parties to a collaborative practice agreement may renew the agreement after reviewing the agreement and making any necessary revisions.

Sec. 6. A pharmacist may engage in the collaborative practice of pharmacy in accordance with an agreement with the operator of an institutional pharmacy or his or her designee to provide treatment and care exclusively to patients of the medical facility in conjunction with which the institutional pharmacy is operated. Such a pharmacist is exempt from the
requirements of sections 4 and 5 of this act while providing such treatment and care.) (Deleted by amendment.)

Sec. 7. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, and sections 1.5, 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 639.0124 is hereby amended to read as follows:

639.0124 “Practice of pharmacy” includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.
2. Interpretation and evaluation of prescriptions or orders for medicine.
3. Participation in drug evaluation and drug research.
4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.
5. Selection of the source, storage and distribution of a drug.
7. Interpretation of clinical data contained in a person’s record of medication.
8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize [the implementation, monitoring and modification of drug therapy.] collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2809.
9. Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with [the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.] a collaborative practice agreement [for an agreement entered into pursuant to section 6 of this act.]

The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 9. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use the word “drug” or “drugs,” “prescription” or “pharmacy,” or similar words or words of similar import, without first having secured a license from the Board. A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall not use the letters “Rx” or “RX” without the approval of the Board. The Board may deny approval of the use of the letters “Rx” or “RX” by any person if the Board determines that:
(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or
(b) The use of the letters “Rx” or “RX” by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit:
(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to paragraph (i) of subsection 1 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive; or
(b) A registered pharmacist or practitioner from collaborating in the implementation, monitoring and modification of collaborative drug therapy management pursuant to guidelines and protocols approved by the Board, a collaborative practice agreement or an agreement entered into pursuant to section 6 of this act.

Sec. 9.5. NRS 639.2809 is hereby amended to read as follows:

639.2809 1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of collaborative drug therapy management:
(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.
(b) May provide for implementation, monitoring and modification of collaborative drug therapy management for a patient receiving care:
   1. In a licensed medical facility; or
   2. If developed to ensure continuity of care for a patient, in any setting that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a
setting that is affiliated with a medical facility shall, within 72 hours after initiating or modifying the drug therapy, provide written notice of the initiation or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Sec. 10. NRS 453.026 is hereby amended to read as follows:

453.026 “Agent” means a pharmacist who cares for a patient of a prescribing practitioner in a medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care in accordance with written guidelines and protocols developed and approved pursuant to NRS 639.2809, or a collaborative practice agreement, as defined in section 2 of this act, or an agreement entered into pursuant to section 6 of this act, a licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who acts on behalf of or at the direction of and is employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

Sec. 11. NRS 454.213 is hereby amended to read as follows:

454.213 1. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:
(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and
(2) Acting under the direction of the medical director of that agency or facility who works in this State.
(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, “designated facility” has the meaning ascribed to it in NRS 632.0145.
(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:
(1) The State Board of Health in a county whose population is less than 100,000;
(2) A county board of health in a county whose population is 100,000 or more; or
(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.
(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.
(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.
(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.
(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:
(1) In the presence of a physician or a registered nurse; or
(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.
(k) Any person designated by the head of a correctional institution.
(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.
(m) A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.
A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

A physical therapist, but only if the drug or medicine is a topical drug which is:

1. Used for cooling and stretching external tissue during therapeutic treatments; and
2. Prescribed by a licensed physician for:
   1. Iontophoresis; or
   2. The transmission of drugs through the skin using ultrasound.

In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

In accordance with applicable regulations of the Board, a registered pharmacist who:

1. Is trained in and certified to carry out standards and practices for immunization programs;
2. Is authorized to administer immunizations pursuant to written protocols from a physician; and
3. Administers immunizations in compliance with the “Standards for Immunization Practices” recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809 or a collaborative practice agreement, as defined in section 2 of this act or an agreement entered into pursuant to section 6 of this act.

A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

A medical assistant, in accordance with applicable regulations of the:
(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, “accredited college of medicine” has the meaning ascribed to it in NRS 453.375.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 60.

Bill read third time.

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

Amendment No. 802.

AN ACT relating to Medicaid; authorizing the Director of the Department of Health and Human Services to include in the State Plan for Medicaid managed care plans a voluntary program through which certain governmental entities and Indian tribes may obtain supplemental payments for providing ground emergency medical transportation services to recipients of Medicaid; requiring a participating governmental entity or Indian tribe to reimburse the Department for the costs of implementing and administering any such program, and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law requires the Federal Government to pay to each state for which the Federal Government has approved a State Plan for Medicaid a certain percentage of the total amount expended as medical assistance under the State Plan. The states are responsible for the remaining share of such expenditures. (42 U.S.C. § 1396b(a)) Federal law also allows certain governmental entities and federally recognized Indian tribes to receive supplemental reimbursements in addition to the federal payments discussed above for certain health care services, including ground emergency medical transportation services, pursuant to a State Plan for Medicaid. (42 U.S.C. §§ 1396a and 1396b; 42 C.F.R. §§ 433.50-433.74)

Section 10 of this bill authorizes the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program whereby such a governmental entity or Indian tribe may receive supplemental reimbursements in addition to the payments the governmental entity or Indian tribe would otherwise receive from Medicaid for ground emergency medical transportation services which are provided to recipients.
of Medicaid. In order to receive such reimbursements, the governmental entity or Indian tribe must: (1) hold a permit to operate an ambulance or vehicle of a fire-fighting agency; (2) participate in the State Plan for Medicaid; (3) enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program; (4) pay the nonfederal share of the expenditures arising from providing such services; (5) certify that the claimed expenditures are eligible for federal financial participation; (6) submit to the Department any required evidence of the claimed expenditures; and (7) maintain any records required by the Department.

Section 11 of this bill authorizes the Director of the Department of Health and Human Services to [include in the State Plan] develop a voluntary program to provide increased “capitation” (per patient) payments to [a governmental entity or Indian tribe] Medicaid managed care plans for ground emergency medical transportation services which are [rendered] provided by a governmental entity or Indian tribe pursuant to a contract or other arrangement with [a such Medicaid managed care plans]. In order to participate in such a program, a governmental entity, Indian tribe or managed care plan is required to enter into an agreement with the Department to [1] comply with any request made by the Department to provide any information or data necessary to claim federal money or obtain federal approval; and (2) reimburse the Department for the administrative costs of the Department for implementing and administering the program. A voluntary program would require the governmental entity or Indian tribe to: (1) make intergovernmental transfers of money to the Department in an amount corresponding with the amount of money spent rendering ground emergency medical transportation services; or (2) pay the nonfederal share of expenditures on the program. The Department would then use that money and money from the Federal Government to make increased capitation payments. If a program to provide increased capitation payments is established, section 11 requires the Department to collect from each intergovernmental transfer a fee of 20 percent of the nonfederal share paid to the Department.

Sections 10 and Section 11 also [provide] provides that supplemental reimbursements and increased capitation payments will be paid only to the extent approved by the Federal Government.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.
Sec. 3. “Advanced emergency medical technician” has the meaning ascribed to it in NRS 450B.025.

Sec. 4. “Ambulance” has the meaning ascribed to it in NRS 450B.040.

Sec. 5. “Emergency medical technician” has the meaning ascribed to it in NRS 450B.065.

Sec. 6. “Fire-fighting agency” has the meaning ascribed to it in NRS 450B.072.

Sec. 7. “Governmental provider” means a provider of ground emergency medical transportation services that is owned or operated by a state or local governmental entity or federally recognized Indian tribe.

Sec. 8. “Ground emergency medical transportation services” means emergency medical transportation services provided by an ambulance or a vehicle of a fire-fighting agency, including, without limitation, services provided by emergency medical technicians, advanced emergency medical technicians and paramedics in prestabilizing patients and preparing patients for transport.

Sec. 9. “Paramedic” has the meaning ascribed to it in NRS 450B.095.

Sec. 10. 1. The Director may include in the State Plan for Medicaid a voluntary program to provide supplemental reimbursements for ground emergency medical transportation services which are provided to recipients of Medicaid. If such a program is included in the State Plan for Medicaid, the program must:

(a) Provide that a governmental provider receive, in addition to the rate of payment that the governmental entity or Indian tribe would otherwise receive for ground emergency medical transportation services provided to recipients of Medicaid, supplemental reimbursements for such services if the governmental provider meets the requirements of subsection 2; and

(b) Be implemented without money from the State General Fund.

2. A governmental provider is not required to participate in a program established pursuant to this section. If a program is established pursuant to this section, a governmental provider that wishes to participate and receive the supplemental reimbursements described in subsection 1 must:

(a) Hold a permit to operate an ambulance or a permit to operate a vehicle of a fire-fighting agency at the scene of an emergency issued pursuant to NRS 450B.200;

(b) Participate as a provider in the State Plan for Medicaid;

(c) Enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program;

(d) Submit to the Department documentation supporting the amount claimed as expenditures for ground emergency medical transportation services provided to recipients of Medicaid and certifying that the claimed expenditures are eligible for federal financial participation in accordance with 42 C.F.R. § 433.51;

(e) Submit to the Department any evidence required by the Department to support the certification required by paragraph (d) and any data
required by the Department to determine the appropriate amount to claim as expenditures that qualify for federal financial participation in accordance with the requirements of 42 C.F.R. § 433.51; and

(f) Prepare and maintain any records required by the Department in an easily accessible manner.

3. The nonfederal share of the amount claimed as expenditures pursuant to paragraph (d) of subsection 2 must be absorbed by the governmental provider.

4. If a program is established pursuant to this section, the Department shall:

(a) Evaluate the information submitted pursuant to subsection 2 and submit claims for reimbursement to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for the expenditures that the Department determines qualify for federal financial participation in accordance with the requirements of 42 C.F.R. § 433.51.

(b) Obtain prior approval from the Centers for Medicare and Medicaid Services of the manner in which supplemental reimbursements will be calculated and distributed pursuant to this section.

(c) Calculate and distribute supplemental reimbursements in the manner approved by the Centers for Medicare and Medicaid Services.

(d) Cooperate with the Centers for Medicare and Medicaid Services in carrying out the program established pursuant to this section and comply with all requirements of the Centers for Medicare and Medicaid Services, including, without limitation, those prescribed by 42 C.F.R. § 433.74, and any other applicable federal law.

(e) Carry out the program established pursuant to this section only to the extent approved by the Centers for Medicare and Medicaid Services.

(f) Annually submit any necessary materials to the Centers for Medicare and Medicaid Services to ensure that claims for federal financial participation include only expenditures authorized under federal law.

5. Supplemental reimbursements for ground emergency medical transportation services paid to a governmental provider pursuant to this section:

(a) Must not exceed the amount of federal financial participation received for claimed expenditures submitted pursuant to paragraph (d) of subsection 2; and

(b) Must not, when combined with all other payments received for the ground emergency medical transportation services pursuant to the State Plan for Medicaid, exceed the costs of the governmental provider for providing the ground emergency medical transportation services. (Deleted by amendment.)

Sec. 11. 1. The Director may, in consultation with governmental providers and Medicaid managed care plans, develop a program to include in the State Plan for Medicaid a voluntary program to include in the
managed care organization rate certification for the Medicaid managed care plans increased capitation payments to governmental providers and the Medicaid managed care plans for ground emergency medical transportation services which are provided by a governmental provider pursuant to a contract or other arrangement between the governmental provider and a Medicaid managed care plan. Participation in such a program must be implemented without money from a governmental provider is voluntary and, if a governmental provider elects to participate in such a program, the governmental provider must pay the nonfederal share of the expenditures on the program.

2. If a program is established pursuant to this section, a governmental provider or Medicaid managed care plan that wishes to participate in the program must enter into an agreement with the Department to:
   (a) Comply with any request by the Department for information or data necessary to claim federal money or obtain federal approval in connection with the program; and
   (b) Reimburse the Department as provided in subsection 7 for the administrative costs incurred by the Department in implementing and administering the program.

3. A governmental provider is not required to participate in a program established pursuant to this section. In addition to complying with the requirements of subsection 2, a governmental provider that wishes to participate in a program established pursuant to this section must:
   (a) Hold a permit to operate an ambulance or a permit to operate a vehicle of a fire-fighting agency at the scene of an emergency issued pursuant to NRS 450B.200; and
   (b) Provide ground emergency medical services to recipients of Medicaid pursuant to a contract or other arrangement with a Medicaid managed care plan.

4. If a program is established pursuant to this section, a governmental provider that meets the requirements of subsections 2 and 3 and wishes to receive increased capitation payments must make an intergovernmental transfer of money to the Department in an amount corresponding with the amount that the governmental provider has spent on ground emergency medical transportation services or pay the nonfederal share of expenditures on the program. To the extent that such intergovernmental transfers of money are made by and is accepted from a governmental provider, the Department shall make increased capitation payments to the applicable Medicaid managed care plan. To the extent permissible under federal law, the increased capitation payments must be in amounts actuarially equivalent to or greater than the supplemental cost based payments available under a program established pursuant to section 10 of this act of supplemental reimbursements for governmental providers who provide services on a fee-for-service basis.
5. Except as otherwise provided in subsection 6, all money associated with intergovernmental transfers or the nonfederal share of expenditures made and accepted pursuant to subsection 4 must be used to make additional payments to governmental providers under a program established pursuant to this section. A Medicaid managed care plan shall pay all of any increased capitation payments made pursuant to subsection 4 to a governmental provider for ground emergency medical transportation services pursuant to a contract or other arrangement with the Medicaid managed care plan.

6. The Department may implement the program described in this section only to the extent that the program is approved by the Centers for Medicare and Medicaid Services and federal financial participation is available. To the extent authorized by federal law, the Department may implement the program for ground emergency medical transportation services provided before the effective date of this section.

7. If a program is established pursuant to this section, the Department shall collect from each intergovernmental transfer of money made under the provisions of this section an administrative fee of 20 percent of the nonfederal share paid to the Department. The payment of such a fee is an allowable cost for Medicaid reimbursement purposes.

8. If the Director determines that payments made under the provisions of this section do not comply with federal requirements relating to Medicaid, the Director may:

(a) Return or refuse to accept an intergovernmental transfer; or

(b) Adjust any payment made under the provisions of this section to comply with federal requirements relating to Medicaid.

8. As used in this section, “Medicaid managed care plan” means a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and sections 2 to 11, inclusive, of this act,
422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

1. Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
2. Set forth priorities for the provision of those services;
3. Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
4. Identify the sources of funding for services provided by the Department and the allocation of that funding;
5. Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and
6. Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director’s designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 13. 1. This section becomes effective upon passage and approval.
2. Sections 1 to 12, inclusive, of this act become effective upon passage and approval for the purpose of performing any tasks necessary to obtain the
approval of the Centers for Medicare and Medicaid Services for a program established pursuant to section [10 or 11] of this act.

3. For all other purposes:
   (a) Sections 1 to [10], inclusive, and 12 of this act become effective on the date:
      (1) That a program to provide supplemental reimbursements for ground emergency medical transportation services established pursuant to section 10 of this act is approved by the Centers for Medicare and Medicaid Services; or
      (2) On which a program to provide increased capitation payments to governmental providers for ground emergency medical transportation services established pursuant to section 11 of this act is approved by the Centers for Medicare and Medicaid Services;
   (b) Section 10 of this act becomes effective on the date that a program to provide supplemental reimbursements for ground emergency medical transportation services established pursuant to that section is approved by the Centers for Medicare and Medicaid Services; and
   (c) Section 11 of this act becomes effective on the date that a program to provide increased capitation payments to governmental providers for ground emergency medical transportation services established pursuant to that section is approved by the Centers for Medicare and Medicaid Services.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 887.

SUMMARY—Requires certain employers in private employment to provide paid sick leave to full-time employees under certain circumstances.

AN ACT relating to employment; requiring certain employers in private employment to provide paid sick leave to each full-time employee of the employer under certain circumstances; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires employers in private employment to pay employees certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks. (NRS 608.018, 608.019, 608.250) Section 1 of this bill requires a private employer who has 25 or more employees in private employment in this State for each working day in each of 20 or more calendar weeks in the current or immediately preceding...
and who has conducted business in this State for at least 12 consecutive months, to, at a minimum, provide \textit{full-time} employees paid sick leave that must be earned at a rate of not less than 1 hour per [20] 40 hours worked and may be used by an employee beginning on the [90th calendar day] first anniversary date of his or her employment. Section 1 sets forth that an employee is a full-time employee of the employer if the employee works at least 1,600 hours for the employer during a 12-month period beginning on the date the employee is hired. Section 1 also provides that an employer may: (1) limit the use of the paid sick leave to [20] 40 hours per year; and (2) limit the accrual of paid sick leave to a maximum of 48 hours per year. (3) require an employee who uses paid sick leave for 3 or more consecutive days to provide, upon his or her return to work, a reasonable certification of the need for the leave; and (4) set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed 2 hours. Section 1 additionally requires an employer to maintain records of the accrual and use of paid sick leave for each employee for a 3-year period and to make those records available for inspection by the Labor Commissioner. Section 1 requires the Labor Commissioner to prepare a bulletin setting forth these benefits and requires employers to post the bulletin in the workplace. Finally, section 1: (1) provides an exception for employers who provide at least an equivalent amount of sick leave or paid time off that may be used for the same purposes and under the same conditions as required by this bill; and (2) excludes from the requirements of this bill certain employees who perform work on an occasional or irregular basis, perform physical work at a construction site that results in the construction, alteration or destruction involved in the construction project or are employed in a bona fide executive, administrative or professional capacity, perform work for a hospital, a facility for long-term care or a provider of health care on an occasional or irregular basis or work less than 12 consecutive months for the employer. Finally, section 1 prohibits this bill from being interpreted as allowing an employee to be compensated more than once for the same hour of leave.

Existing law requires an employer to establish and maintain records of wages for the benefit of his or her employees. (NRS 608.115) Section 1.5 of this bill requires this record to include the total hours of sick leave available for use by each employee.

Section 2 of this bill requires the Labor Commissioner to enforce the provisions of section 1, and section 3 of this bill makes a violation of the provisions of section 1 a misdemeanor and authorizes the Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to $5,000 for each violation. (NRS 608.180, 608.195)

\textbf{THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:}
Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, every employer who has conducted business in this State for at least 12 consecutive months shall provide paid sick leave to each full-time employee of the employer as follows:
   (a) A full-time employee is entitled to accrue paid sick leave at a rate of not less than 1 hour for every 40 hours worked by the full-time employee. (For the purposes of this calculation, a salaried employee shall be deemed to work 40 hours per week, unless the employee's normal week of work is less than 40 hours, in which case paid sick leave must accrue based upon the hours worked in that employee's normal week of work.)
   (b) Accrued paid sick leave must carry over for each employee between his or her years of employment, except an employer may limit the accrual of paid sick leave for each employee to a maximum of 48 hours per year, not to exceed a total accrual of 80 hours of accrued paid sick leave.
   (c) Paid sick leave must be compensated at the rate of pay at which the employee is compensated at the time such leave is taken, and paid on the same payday as the hours taken are normally paid. For the purposes of this calculation, the compensation rate for an employee who is paid by salary, commission, piece rate or a method other than an hourly wage must be calculated by dividing the employee's total wages paid for the immediately preceding 90 days by the number of hours worked during that period.
   (d) An employer may limit the amount of paid sick leave an employee uses to 40 hours per year.
   (e) An employer may require an employee who uses paid sick leave for 3 or more consecutive days to provide, upon his or her return to work, a reasonable certification of the need for the leave. Such reasonable certification may include, without limitation, a signed document from a provider of health care affirming the illness of the employee or a dependent of the employee.
   (f) An employer may set a minimum increment of paid sick leave, not to exceed 2 hours, that an employee may use at any one time.
   (g) An employer is not required to compensate an employee for any accrued unused sick leave upon separation from employment, except if an employee is rehired by the employer within 1 year after separation from that employer, any previously accrued unused sick leave hours must be reinstated.

2. An employee of an employer may use accrued sick leave as follows:
   (a) An employee must be allowed to use accrued sick leave beginning on the 90th calendar day of first anniversary date of his or her employment.
   (b) An employee may use accrued paid sick leave:
      (1) For the diagnosis, care or treatment of an existing health condition of, or preventive care for, the employee or a member of the employee's family or household; or
(2) To obtain counseling or assistance or to participate in any court proceedings related to domestic violence or sexual assault.

(c) To the extent possible, an employee shall give reasonable advance notice to his or her employer of the need to use accrued paid sick leave.

(d) An employer shall not:

(1) Deny an employee the right to use accrued sick leave in accordance with the conditions of this section;

(2) Require an employee to find a replacement worker as a condition of using sick leave; or

(3) Retaliate against an employee for using sick leave.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

4. An employer shall maintain records of the accrual and use of paid sick leave for each employee for a 3-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

5. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit.

(d) Prohibit an employer from creating and enforcing a policy that prohibits the improper use of paid sick leave.

6. This section does not apply to:

(a) An employer who, pursuant to a collective bargaining agreement, by contract, policy or other agreement, provides full-time employees with a paid sick leave policy or a paid time off policy that provides for at least 40 hours of paid leave per year, that may be used for the same purposes and under the same conditions as specified in this section;

(b) An employee who:

(1) Is a day or temporary worker who performs work on an occasional or irregular basis for a limited period of time;

(2) Actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project; or

(3) Is employed in a bona fide executive, administrative or professional capacity; or
Performs work for a hospital, a facility for long-term care or a provider of health care on an occasional or irregular basis as needed by the hospital, facility for long-term care or provider of health care.

(c) An employee who works less than 12 consecutive months for his or her employer.

7. The provisions of this section must not be interpreted to allow an employee to be compensated more than once for the same hours of leave.

8. For the purposes of this section, an employee is a full-time employee of an employer if the employee works at least 1,600 hours for the employer during a 12-month period beginning on the date of employment.

9. As used in this section:
   (a) “Employer” means a private employer who has 25 or more employees in private employment in this State for each working day in each of 20 or more calendar weeks in the current or immediately preceding calendar year. The term does not include a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).
   (b) “Facility for long-term care” has the meaning ascribed to it in NRS 427A.028.
   (c) “Hospital” has the meaning ascribed to it in NRS 449.012.
   (d) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 1.5. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:
   (a) Gross wage or salary other than compensation in the form of:
      (1) Services; or
      (2) Food, housing or clothing.
   (b) Deductions.
   (c) Net cash wage or salary.
   (d) Total hours employed in the pay period by noting the number of hours per day.
   (e) Date of payment.
   (f) Total hours of paid sick leave available for use by the employee.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

3. Records of wages must be maintained for a 2-year period following the entry of information in the record.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, and section 1 of this act to be enforced, and upon notice from the Labor Commissioner or the representative:
1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,
shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, and section 1 of this act, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.
2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 4. This act becomes effective:
1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.
Remarks by Assemblywoman Bustamante Adams.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 262.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 744.
AN ACT relating to health care; requiring that payments for treatment relating solely to mental health or the abuse of alcohol or drugs be made directly to certain providers of that treatment; requiring a licensed clinical alcohol and drug counselor to be directly reimbursed for providing treatment under certain circumstances; revising provisions relating to the accreditation of medical facilities and facilities for the dependent for the purpose of determining whether an insured person is entitled to benefits for certain treatment provided at such facilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides for treatment relating to the abuse of alcohol or drugs to be covered by certain policies of health insurance and, under certain circumstances, provided by employers. (NRS 608.156, 689A.030, 689A.046, 689C.166, 689C.167) Existing law provides that under certain policies of health insurance, an insured party is entitled to reimbursement for treatment
by a clinical alcohol and drug abuse counselor. (NRS 689A.0493, 689B.0397, 695B.1955, 695C.1789) Existing law further requires certain policies of health insurance to cover treatment for mental illness. (NRS 687B.404, 689A.0455, 689C.169) Existing law does not prevent a person who is receiving treatment for mental illness or the abuse of alcohol or drugs from receiving the payments for such treatment.

Section 1 of this bill requires that [every] a payment made pursuant to a policy of health insurance [including, without limitation, a payment made to an out-of-network provider.] for treatment relating solely to mental health or the abuse of alcohol or drugs must be made directly to the provider of the treatment rather than to the person receiving the treatment [if the provider is an out-of-network provider who has an assignment of benefits which meets certain qualifications.]. Section 1 also expressly [allows] requires such a provider to refund to a person [receiving] who pays such a provider directly for such treatment [any] certain amounts that the person paid to the provider. For example, a person may have prepaid the provider for treatment and, after the payment pursuant to the policy of health insurance is made to the provider, the provider may need to refund all or part of the prepaid amounts to the person receiving treatment. Section 9 of this bill extends the requirements of section 1 to benefits provided through self-insurance by the Board of the Public Employees’ Benefits Program. (NRS 287.04335) Section 10 of this bill extends the requirements of section 1 to benefits provided by certain employers. (NRS 608.1555)

Sections 3, 4, 6 and 7 of this bill provide that a licensed clinical alcohol and drug abuse counselor must, if applicable, be directly reimbursed for treatment relating to the abuse of alcohol or drugs in accordance with an applicable assignment of benefits.

Sections 2, 5 and 11 of this bill make conforming changes.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every payment made pursuant to a policy of health insurance to pay for treatment relating solely to mental health or the abuse of alcohol or drugs [including, without limitation, a payment made to an out-of-network provider.] must be made directly to the provider of health care that provides the treatment [if the provider:
   (a) Is an out-of-network provider; and
   (b) Has obtained and delivered to the insurer or an authorized representative of the insurer, including, without limitation, a third-party administrator, a written assignment of benefits pursuant to which the insured has assigned to the provider the insured’s benefits under the policy of health insurance with regard to the treatment.]
2. An out-of-network provider that receives payment pursuant to subsection 1:

(a) Shall, if a person paid the provider directly for the treatment described in subsection 1, refund to the person the amount that the provider paid directly to the provider for the treatment, less any applicable deductible, copayment or coinsurance, not later than 45 days after the provider receives payment pursuant to subsection 1; and

(b) Must indemnify and hold harmless the insurer against any claim made against the insurer by the person who receives the treatment described in subsection 1 for any amount paid by the insurer to the provider in compliance with this section.

3. An assignment of benefits described in paragraph (b) of subsection 1 is irrevocable for the period:

(a) Beginning on the date the insured gives to the out-of-network provider the assignment of benefits; and

(b) Ending on the later of:

(1) The date on which the out-of-network provider receives from the insurer the final payment for the treatment; or

(2) The date of the final resolution, including, without limitation, by settlement or trial, of all claims relating to all payments which relate to the treatment.

4. Nothing in this section shall be construed to require an insurer to make a payment to an out-of-network provider:

(a) Who is not authorized by law to provide the treatment;

(b) Who provides the treatment in violation of any law; or

(c) In an amount which exceeds the amount required by the policy of health insurance to be paid for out-of-network treatment.

5. As used in this section:

(a) “Health care services” means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.

(b) “Insured” means a person who receives benefits pursuant to a policy of health insurance.

(c) “Insurer” means a person, including, without limitation, a governmental entity, who issues or otherwise provides a policy of health insurance.

(d) “Network plan” has the meaning ascribed to it in NRS 689B.570.

(e) “Out-of-network provider” means a provider of health care who:

(1) Provides health care services;

(2) Is paid, pursuant to a policy of health insurance, for providing the health care services; and

(3) Is not under contract to provide the health care services as part of any network plan associated with the policy of health insurance.
(f) “Policy of health insurance” includes, without limitation, a policy, contract, certificate, plan or agreement, as applicable, issued pursuant to or otherwise governed by NRS 287.0402 to 287.049, inclusive, or chapter 608, 689A, 689B, 689C, 695A, 695B, 695C, 695F or 695G of NRS for the provision of, delivery of, arrangement for, payment for or reimbursement for any of the costs of health care services.

(g) “Provider of health care” has the meaning ascribed to it in NRS 695G.070.

Sec. 2. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in section 1 of this act, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by the Joint Commission on Accreditation of Healthcare Organizations or CARF International and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 3. NRS 689A.0493 is hereby amended to read as follows:

689A.0493 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS unless the clinical alcohol and drug abuse counselor must be directly reimbursed for providing such treatment pursuant to:

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 4. NRS 689B.0397 is hereby amended to read as follows:

689B.0397 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to
reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS unless the clinical alcohol and drug abuse counselor must be directly reimbursed for providing such treatment pursuant to:

1. An assignment of benefits described in section 1 of this act; or
2. Any other applicable assignment of benefits.

Sec. 5. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. The benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in section 1 of this act, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by the Joint Commission on Accreditation of Healthcare Organizations or CARF International and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 6. NRS 695B.1955 is hereby amended to read as follows:

695B.1955 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS unless the clinical alcohol and drug abuse counselor must be directly reimbursed for providing such treatment pursuant to:

1. An assignment of benefits described in section 1 of this act; or
2. Any other applicable assignment of benefits.

Sec. 7. NRS 695C.1789 is hereby amended to read as follows:

695C.1789 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor...
who is licensed pursuant to chapter 641C of NRS unless the clinical alcohol and drug abuse counselor must be directly reimbursed for providing such treatment pursuant to:

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 9. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.165, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 1 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 10. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS, including, without limitation, as required by section 1 of this act.

Sec. 11. NRS 608.156 is hereby amended to read as follows:

608.156 1. If an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. Except as otherwise provided in section 1 of this act, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or
CARF International and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 12. This act becomes effective on July 1, 2017. January 1, 2018.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 274.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 801.
AN ACT relating to child welfare; revising provisions governing certain reports of an agency which provides child welfare services concerning a child who is in need of protection; requiring a court to allow a sibling of a child who is found to be in need of protection to inspect certain records; revising provisions concerning agreements for postadoptive contact between a natural parent and a child or the adoptive parents of the child; revising provisions governing a hearing to determine whether to include an order for visitation with a sibling in a decree of adoption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law requires an agency acting as the custodian of a child who is in need of protection and is placed with someone other than a parent to submit a report to the court before any hearing for a review of that placement. If a child is not placed with his or her siblings, the report must include a plan for the child to visit his or her siblings. (NRS 432B.580) Section 1 of this bill requires the agency which provides child welfare services to update the plan for visitation to reflect any change in the placement of the child or any sibling of the child. Section 1 also requires the court to provide any sibling who has been granted a right to visitation with the child with notice of a hearing to review the placement of the child. Sections 1 and 2 of this bill require the court to provide each sibling of a child who is found to be in need of protection with the case number of each relevant proceeding and allow the sibling to inspect certain records for the purpose of petitioning the court for visitation with the child and enforcing an order for visitation.

Existing law provides that an agreement for postadoptive contact between a child and his or her natural parents or the adoptive parents of a child and the natural parents of that child is enforceable if it is in writing, signed by the parties and incorporated into an order or decree of adoption. (NRS 127.187) Section 2.3 of this bill requires that if the agreement concerns a child who was in the custody of an agency which provides child welfare services before being adopted, a determination must be made by such an agency or the court that the agreement is in the best interest of the child.
Existing law authorizes a natural parent who has entered into an agreement for postadoptive contact to petition the court to prove the existence of the agreement and request that the agreement be incorporated into the order or decree of adoption or to enforce the terms of the agreement. (NRS 127.1885) Section 2.7 of this bill requires such a petition to be: (1) served by the natural parent or adoptive parent who filed the petition on each other natural parent or adoptive parent, as applicable, who has entered into the agreement; and (2) heard by the same judge who issued the order or decree of adoption if he or she is available. Section 3.3 of this bill establishes a reduced filing fee for the filing of such a petition. Section 2.3 requires a natural or adoptive parent who has entered into an agreement for postadoptive contact to provide the court with an address at which such a petition may be served.

Existing law requires a court to conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption of a child who is in the custody of an agency which provides child welfare services. (NRS 127.2827) Section 3 of this bill instead requires the court to incorporate such an order into the decree of adoption unless an interested party petitions the court to exclude or amend the order for visitation. Section 3 additionally: (1) requires the court to hold the hearing on such a petition on a different date than the hearing on the petition for adoption; (2) gives any interested party the right to participate in the hearing; and (3) requires the clerk of the court to provide notice of the time and place of the hearing to certain persons. If an order for visitation is included in the decree for adoption, section 3 authorizes a party to the order to petition for enforcement of the order at any time.

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

Section 1. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;
(2) Any efforts made by the agency to have the child placed together with the siblings;
(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and
(4) If the child is not placed together with the siblings:
   (I) The reasons why the child is not placed together with the siblings; and
   (II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.
(c) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205.
(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.
4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.
5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.
6. Except as otherwise provided in this subsection and subsection 5 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:
   (a) All the parties to any of the prior proceedings;
   (b) Any persons planning to adopt the child;
(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any; and
(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:
   (a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;
   (b) Must not include any confidential information described in NRS 127.140; and
   (c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:
   (a) The continuing necessity for and appropriateness of the placement;
   (b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;
   (c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and
   (d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 2. NRS 127.140 is hereby amended to read as follows:

127.140 1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:
   (a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;
   (b) If a natural parent and the child are eligible to receive information from the State Register for Adoptions; or
   (c) As provided pursuant to subsections 3, 4, [and] 5 [and] 6.
3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A natural parent who intends to file a petition pursuant to NRS 127.1885 to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. Upon the request of a sibling or adoptive child who wishes to enforce an order for visitation included in a decree of adoption pursuant to NRS 127.2827, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.

6. The portions of the files and records which are made available for inspection by an adoptive parent, natural parent or sibling pursuant to subsection 3, 4 or 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact or order for visitation, as applicable.

Sec. 2.3. NRS 127.187 is hereby amended to read as follows:

127.187 1. The natural parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and his or her natural parent or parents;
(b) The adoptive parent or parents and the natural parent or parents; or
(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(1) The agreement is in writing and signed by the parties; and
(2) The agreement is incorporated into an order or decree of adoption; and
(3) In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:

(a) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or
(b) The court has determined, after a hearing, that the agreement is in the best interest of the child.

3. The identity of a natural parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the natural parent must be provided in the agreement.
4. **On the date on which a court enters an order or decree of adoption that incorporates an agreement that provides for postadoptive contact, a natural parent or adoptive parent who has entered into the agreement shall provide to the court an address at which the natural or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885. The court may order the agency which provides child welfare services to provide the court with the contact information of a natural or adoptive parent who refuses to comply with the provisions of this subsection. If the court so orders, the agency which provides child welfare services shall provide that information under seal.**

A natural parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the natural parent or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885. If a natural parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order or decree of adoption which incorporates the agreement, order the agency which provides child welfare services to provide the court with the contact information of the natural parent or adoptive parent who refused or failed to include his or her address. If a court so orders, the court shall:

- (a) Append the address to the agreement for postadoptive contact; and
- (b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.

5. **If a natural parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.**

6. A court that enters an order or decree of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

- (a) The child reaches 18 years of age;
- (b) The child becomes emancipated; or
- (c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.

Sec. 2. **NRS 127.1885 is hereby amended to read as follows:**

127.1885 1. A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may, for good cause shown:

- (a) Petition the court that entered the order or decree of adoption of the child to prove the existence of the agreement that provides for postadoptive
contact and to request that the agreement be incorporated into the order or decree of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may:

(a) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187; and

(b) Petition the court that entered the order or decree of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in NRS 127.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the natural parent or adoptive parent who filed the petition using registered mail upon each other natural parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127.187; and

(c) Heard by:

(1) If he or she is available, the judge who issued the order or decree of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 3. NRS 127.2827 is hereby amended to read as follows:

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the decree of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to the legal custodian or guardian of the child pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the
agency which provides child welfare services or a licensed child-placing agency [may petition] petitions the court to participate in the determination of whether to include an [exclude the] order of visitation with a sibling [in] from the decree of adoption [or] amend the order for visitation before including the order in the decree of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on a different date than the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the agency which provides child welfare services and a licensed child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the decree of adoption, the court may require the agency which provides child welfare services or the child-placing agency to provide the clerk of the court with the contact information of the adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services or the child-placing agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter a decree of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in a decree of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services or a licensed child-placing agency to provide such contact information to the court under seal.

Sec. 3.3. NRS 19.034 is hereby amended to read as follows:

19.034 1. If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

2. If a natural parent or adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 files a petition pursuant to subsection 1 or 2 of NRS 127.1885, the clerk of
the court shall reduce the total filing fee to not more than $1 for filing the petition.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 287.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 766.

SENATORS GANSERT, ROBERSON, CANNIZZARO, PARKS; ATKINSON, CANCELA, DENIS, FARLEY, FORD, GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, HARRIS, MANENDO, RATTI, SETTELMeyer, SPEARMAN AND WOODHOUSE

JOINT SPONSORS: [ASSEMBLYWOMEN] ASSEMBLYMEN BENITEZ-THOMPSON, {and} TOLLES AND YEAGER
CONTAINS UNFUNDED MANDATE (§§ 43, 44, 55)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to protection of children; requiring school employees and volunteers to report the abuse or neglect of a child and certain other prohibited acts; requiring an agency which provides child welfare services to investigate such a report and forward a substantiated report to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing a person to appeal the substantiation of such a report; revising certain provisions concerning background checks conducted on certain educational personnel and volunteers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law requires certain persons, including, without limitation, licensed teachers and social workers employed by a public school or private school, to report the suspected abuse or neglect of a child when such neglect was believed to have been caused or allowed by a person responsible for a child’s welfare. (NRS 432B.020, 432B.220) The term “person responsible for a child’s welfare” is limited by existing law to a parent, legal guardian, stepparent or other adult person found in the same home as the child on a regular basis or a home, institution or facility where the child resides or receives care, including, without limitation, the volunteers and employees of such homes, institutions or facilities. (NRS 432B.130) Section 8 of this bill requires all employees of and volunteers for a public school or private school, regardless of whether they are licensed, to report the suspected abuse or neglect of a child by a person responsible for the child’s welfare.

Existing law makes it a misdemeanor or gross misdemeanor for a person who is required to report the suspected abuse or neglect of a child to knowingly and willfully fail to make such a report. (NRS 432B.240) This
penalty also applies to the failure to report by an employee of or volunteer for a public school or private school as expanded by section 8 of this bill.

Existing law prohibits sexual conduct between an employee or volunteer of a public school or private school and certain pupils, the luring of a child, the use of corporal punishment in a public school, and the use of corporal punishment on a pupil with a disability in a private school. (NRS 201.540, 201.560, 392.4633, 394.354, 394.366) Section 44 of this bill imposes an additional duty on an employee or volunteer at a public or private school to make a report within 24 hours if, in that capacity, he or she knows or has reasonable cause to believe that a child has been subjected to abuse or neglect caused by a person other than a person responsible for the welfare of the child, certain sexual conduct, luring or prohibited corporal punishment by another employee of or volunteer for a public school or private school. Section 44 requires: (1) a report concerning abuse or neglect, sexual conduct or luring to be made to an agency which provides child welfare services and a law enforcement agency; and (2) a report concerning prohibited corporal punishment to be made to a child welfare agency. Section 44 requires a child welfare agency to assess all allegations contained in any such report it receives and, if the agency deems appropriate, assign the matter for investigation. Section 44 also requires a school police officer who receives a report of an offense punishable as a category A felony to notify the local law enforcement agency having jurisdiction over the school. If a law enforcement agency other than a school police officer receives a report of an offense punishable as a felony that: (1) allegedly occurred at a public school at an activity sponsored by such a school or on a school bus while the school bus was being used by such a school for an official school-related purpose; and (2) involved a school employee or volunteer, the law enforcement agency must notify a school police officer if such an officer is employed in the school district. Section 45 of this bill prescribes the required contents of the report. Section 46 of this bill makes it a misdemeanor for an employee or volunteer at a school to fail to make a report when required. Sections 47 and 48 of this bill provide that certain privileges do not apply to a person required to make a report or to the report itself. Section 49 of this bill authorizes a designee of an agency investigating a report to take certain actions to investigate the report with the consent of the parent or guardian of the child.

Section 50 of this bill provides that reports of abuse, neglect, sexual conduct, luring and prohibited corporal punishment and investigations of such reports are confidential and makes it a gross misdemeanor to disclose such information except where authorized to do so. Section 51 of this bill sets forth exceptions to such confidentiality that allow certain persons to access such material, including the child who is the subject of the report, his or her parent or guardian and attorney and certain governmental entities. Section 52 of this bill authorizes an agency investigating a report to provide
certain information to the person alleged to have engaged in the conduct described in the report and the person who made the report. **Section 52** also authorizes any person to consent to the release of information about himself or herself. **Section 53** of this bill: (1) requires an agency which provides child welfare services to take precautions to protect the identity and safety of a person who makes a report when releasing information; and (2) authorizes such an agency to charge a fee for processing costs necessary to prepare information maintained by the agency. **Section 54** of this bill provides that any person who is provided information maintained by an agency which provides child welfare services and further disseminates the information is guilty of a gross misdemeanor.

**Section 55** of this bill requires an agency investigating a report to determine whether the report is substantiated or unsubstantiated. If the report is substantiated, the agency is required to forward the report to: (1) the Department of Education, the governing body of the school or school district, as applicable, and law enforcement; and (2) after the conclusion of any administrative appeal, the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. **Section 56** of this bill prescribes the procedure for filing and hearing an administrative appeal. **Section 1.5** of this bill provides for the inclusion of such information in the Central Registry. **Section 57** of this bill provides immunity from civil and criminal liability for a person who, in good faith, makes a report or takes certain action to investigate a report. **Section 58** of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to adopt any regulations necessary for the administration of provisions relating to the new reporting requirement prescribed by this bill. **Section 7.3** of this bill provides that the provisions of existing law governing the requirement to report the abuse or neglect of a child by a person responsible for the welfare of the child do not apply to the new reporting requirement.

Under existing law, an unlicensed applicant for employment at a public school must undergo a background check before being hired. (NRS 388A.515, 388C.200, 391.104, 391.281) Additionally, a licensed employee must undergo a background check before a license can be issued or renewed. (NRS 391.033) **Sections 27, 28, 33, 34 and 60** of this bill additionally require: (1) volunteers at a public school and employees and volunteers at a private school to undergo background checks; and (2) a background check to be performed on each unlicensed employee and volunteer at least once every 5 years. **Section 21** of this bill requires the Central Repository to provide the results of such a background check to the appropriate superintendent, governing body or administrator immediately. **Sections 27, 28, 31, 33, 34 and 60** of this bill also additionally require background checks performed on licensed and unlicensed educational personnel and volunteers to include information that may be available from the Central Registry or any equivalent registry maintained in another jurisdiction in which the person has
resided within the immediately preceding 5 years. Sections 24, 27, 28, 31, 33, 34 and 60 of this bill authorize a school district, charter school, university school for profoundly gifted pupils or private school to: (1) cooperate with a law enforcement agency to obtain any available information on the background of an applicant, employee or volunteer; and (2) use information from the Central Registry in personnel decisions. Sections 27, 28, 31, 33, 34 and 60 provide that the Superintendent of Public Instruction, the board of trustees of a school district, the governing body of a charter school, university school for profoundly gifted pupils or private school and the administrator of a private school cannot be held liable for any damages resulting from such action. Section 28 provides that any provision of a collective bargaining agreement that prohibits a school district, charter school or university school for profoundly gifted pupils from taking such action is void.

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

Section 1. NRS 424.250 is hereby amended to read as follows:

424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident, motor vehicle crash or injury occurs to a child in its care within 24 hours after the incident, accident, motor vehicle crash or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident, motor vehicle crash or injury, any action taken as a result of the incident, accident, motor vehicle crash or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220 or section 44 of this act.
Sec. 1.1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.3 of this act.

Sec. 1.2. As used in NRS 432.0999 to 432.130, inclusive, of this act, the words and terms defined in NRS 432.0999 and section 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 1.3. “Abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.

Sec. 1.4. NRS 432.0999 is hereby amended to read as follows:

432.0999 [As used in NRS 432.0999 to 432.130, inclusive.] “Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 1.5. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 432B.220 or section 44 of this act;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to section 44 of this act;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 432.0999 to 432.130, inclusive, and sections 1.2 and 1.3 of this act, and 432B.010 to 432B.400, inclusive, and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.

3. The Division may release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:
(a) An employee of the Division;
(b) An agency which provides child welfare services;
(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and
(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 1.6. NRS 432.110 is hereby amended to read as follows:

432.110 1. Except as otherwise provided in subsection 2, the Division shall maintain a record of:
(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the Central Registry; and
(b) Any other information which might be helpful in furthering the purposes of NRS 432.0999 to 432.130, inclusive, and sections 1.2 and 1.3 of this act, and 432B.010 to 432B.400, inclusive, and section 7.3 of this act, and sections 36 to 58, inclusive, of this act.

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 1.7. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child or a violation of NRS 201.540, 201.560, or 392.4633, or 394.366 has been reported pursuant to NRS 432B.310 or section 55 of this act, as applicable, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 1.8. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 or sections 51 to 54, inclusive, of this act is guilty of a misdemeanor.
Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 7.3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this section and NRS 432B.220 to 432B.320, inclusive, do not apply to any report submitted, investigation performed or information maintained under the provisions of sections 36 to 58, inclusive, of this act.

Sec. 7.7. NRS 432B.200 is hereby amended to read as follows:

432B.200 1. The Division of Child and Family Services shall establish and maintain a center with a toll-free telephone number to receive reports of abuse or neglect of a child in this State and reports pursuant to section 44 of this act, 24 hours a day, 7 days a week. Any reports made to this center must be promptly transmitted to the agency which provides child welfare services in the community where the child is located.

2. As used in this section, “abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.

Sec. 8. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or
her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children’s camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, “youth shelter” has the meaning ascribed to it in NRS 244.427.
(l) Any adult person who is employed by an entity that provides organized activities for children.
5. A report may be made by any other person.
6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.
7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:
   (a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;
   (b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and
   (c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.
8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:
   (a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;
   (b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and
   (c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.
9. Before a person may serve as a volunteer at a public school or private school, the school must:
(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and section 44 of this act;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and section 44 of this act; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer’s presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer’s jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer’s employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to
and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

(a) “Peace officer with limited jurisdiction” means:

(1) A school police officer who is appointed or employed pursuant to subsection 2 of NRS 391.281;

(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;

(3) A person employed to provide police services for an airport authority created by a special act of the Legislature; and

(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.

(b) “Primary law enforcement agency” means:

(1) A police department of an incorporated city;

(2) The sheriff’s office of a county; or

(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 19. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Information concerning the characteristics of the defendant, the defendant’s financial condition, the circumstances affecting the defendant’s behavior and the circumstances of the defendant’s offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the
information to be included in the report is solely at the discretion of the Division;
(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;
(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and sections 36 to 58, inclusive, of this act that relate to the defendant and are made available pursuant to NRS 432B.290 or sections 51 to 54, inclusive, of this act, as applicable;
(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;
(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;
(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;
(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and
(j) Such other information as may be required by the court.
2. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 20. NRS 176.151 is hereby amended to read as follows:
176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to subsection 1, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:
(a) The court requests a presentence investigation and report; or
(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.
2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:
(a) Any prior criminal record of the defendant;
(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant’s behavior and the circumstances of
the defendant’s offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and sections 36 to 58, inclusive, of this act that relate to the defendant and are made available pursuant to NRS 432B.290 or sections 51 to 54, inclusive, of this act, as applicable; and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 21. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:
(a) Collect, maintain and arrange all information submitted to it relating to:
   (1) Records of criminal history; and
   (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.
(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:
   (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
   (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
   (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:
       (1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;
       (2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;
       (3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers’ Standards and Training Commission;
       (4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or
       (5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:
   (a) The person’s complete set of fingerprints for the purposes of:
       (1) Booking the person into a city or county jail or detention facility;
(2) Employment;
(3) Contractual services; or
(4) Services related to occupational licensing;
(b) One or more of the person’s fingerprints for the purposes of mobile identification by an agency of criminal justice; or
(c) Any other biometric identifier of the person as it may require for the purposes of:
   (1) Arrest; or
   (2) Criminal investigation,
from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:
   (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
   (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.
   (c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.
   (d) Investigate the criminal history of any person who:
      (1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;
      (2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or
      (3) Is employed by or volunteers for a county school district, charter school or private school,
and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.
   (e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:
      (1) Investigated pursuant to paragraph (d); or
      (2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,
who the Central Repository’s records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository’s initial investigation. The superintendent of each county
school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository’s Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository’s Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository’s Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.
9. As used in this section:
   (a) “Biometric identifier” means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.
   (b) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.
   (c) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:
      (1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and
      (2) A biometric identifier of a person.
   (d) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 22. NRS 202.888 is hereby amended to read as follows:
202.888 The provisions of NRS 202.882 do not apply to a person who:
1. Is less than 16 years of age;
2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:
   (a) The child who is the victim of the violent or sexual offense; or
   (b) The person who committed the violent or sexual offense against the child;
3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;
4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him or her by blood or marriage or who resides in the same household as he or she resides, whether or not the other person is related to him or her by blood or marriage, in imminent danger of suffering substantial bodily harm;
5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or
6. Is acting in his or her professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220 or section 44 of this act.

Sec. 23. NRS 239.010 is hereby amended to read as follows:
and sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 24. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any,
for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:
   (a) Salary or wage rates or other forms of direct monetary compensation.
   (b) Sick leave.
   (c) Vacation leave.
   (d) Holidays.
   (e) Other paid or nonpaid leave of absence consistent with the provisions of this chapter.
   (f) Insurance benefits.
   (g) Total hours of work required of an employee on each workday or workweek.
   (h) Total number of days’ work required of an employee in a work year.
   (i) Except as otherwise provided in subsections 6 and 10, discharge and disciplinary procedures.
   (j) Recognition clause.
   (k) The method used to classify employees in the bargaining unit.
   (l) Deduction of dues for the recognized employee organization.
   (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
   (n) No-strike provisions consistent with the provisions of this chapter.
   (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
   (p) General savings clauses.
   (q) Duration of collective bargaining agreements.
   (r) Safety of the employee.
   (s) Teacher preparation time.
   (t) Materials and supplies for classrooms.
   (u) Except as otherwise provided in subsections 7, 9 and 10, the policies for the transfer and reassignment of teachers.
   (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
   (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:
   (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.
   (b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.
   (c) The right to determine:
(1) Appropriate staffing levels and work performance standards, except for safety considerations;
(2) The content of the workday, including without limitation workload factors, except for safety considerations;
(3) The quality and quantity of services to be offered to the public; and
(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school.
school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:
   (a) Reassigning any member of the staff of such a school; or
   (b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is void.

11. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

12. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

13. As used in this section:
   (a) “Abuse or neglect of a child” has the meaning ascribed to it in section 37 of this act.
   (b) “Achievement charter school” has the meaning ascribed to it in NRS 385.007.
Sec. 25. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection 5 of NRS 391.281 has the powers of a peace officer. A school police officer shall perform the officer’s duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 26. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 or section 44 of this act.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.
(c) “School official” means:
   (1) A member of the board of trustees of a school district.
   (2) A member of the governing body of a charter school.
   (3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.
   (4) The Executive Director of the Achievement School District.

(d) “Teacher” means a person employed by the:
   (1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.
   (2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 27. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a charter school who is likely to have unsupervised or regular contact with pupils, must, as a condition to before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:
   (a) A complete set of the applicant’s, employee’s or volunteer’s fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and
   (b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant.
3. or employee or accept the volunteer, as applicable.

4. If a report on the criminal history of an applicant obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant or employee from further consideration of employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent’s designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent’s designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent’s designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent’s designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent’s designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent’s designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.
7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, [392.4633 or] 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:
   (a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and
   (b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:
   (a) May accept gifts, grants and donations to carry out the provisions of this section.
   (b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 28. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have regular or unsupervised contact with pupils, must, as a condition to before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:
   (a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer;
   (b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.
3. If the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent’s designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied. If the applicant desires to employ with the university school, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent’s designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent’s designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent’s designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent’s designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the
Volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560 or 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:
   (a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and
   (b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:
   (a) May accept any gifts, grants and donations to carry out the provisions of this section.
   (b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7.

Sec. 29. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

“Statewide Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 30. NRS 391.002 is hereby amended to read as follows:

391.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and 391.008 and section 29 of this act have the meanings ascribed to them in those sections.

Sec. 31. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.
2. An application for the issuance of a license must include the social security number of the applicant.
3. Every applicant for a license must submit with his or her application:
   (a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal
of the license pursuant to subsection 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:
(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and
(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 7.

Sec. 32. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 and 391.033, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department’s file relating to the application, including:
   (a) The applicant’s health records;
   (b) The applicant’s fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;
   (c) Transcripts of the applicant’s records at colleges or other educational institutions;
   (d) The applicant’s scores on the examinations administered pursuant to the regulations adopted by the Commission;
   (e) Any correspondence concerning the application; and
   (f) Any other personal information,
   are confidential.
2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 7 of NRS 179A.075 or the applicant’s written authorization.
3. The Department shall, upon request, make available the applicant’s file for inspection by the applicant during regular business hours.

Sec. 33. NRS 391.104 is hereby amended to read as follows:

391.104 1. Each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised or regular contact with pupils, must, as a condition to before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:
   (a) A full set of the applicant’s, employee’s or volunteer’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its
report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 3, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;
(b) Sabbatical leave;
(c) Personal leave;
(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
(e) Maternity leave; and
(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued
employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:
   (a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.
   (b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

Sec. 34. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:
   (a) A full set of the applicant’s or employee’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.
   (b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:
   (a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and
   (b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:
   (a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.
(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection [2] 6 or [4] 7 shall be deemed school police officers.

[2] 6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

[4] 7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.
Sec. 35. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 58, inclusive, of this act.

Sec. 36. As used in sections 36 to 58, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 42, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 37. “Abuse or neglect of a child” has the meaning ascribed to it in NRS 432B.020, but includes abuse or neglect caused by a person who is an employee of or volunteer for a public school or private school and who is not responsible for the welfare of the child pursuant to NRS 432B.130.

Sec. 38. “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 39. “Central Registry” has the meaning ascribed to it in NRS 432.0999.

Sec. 40. “Child” means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594.

Sec. 41. “Information maintained by an agency which provides child welfare services” means data or information concerning reports and investigations made pursuant to sections 36 to 58, inclusive, of this act, including, without limitation, the name, address, date of birth, social security number and the image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.

Sec. 41.3. “Law enforcement agency” means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law. The term includes, without limitation, a school police officer, and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 41.5. “Local law enforcement agency” means:
1. The sheriff’s office of a county;
2. A metropolitan police department; or
3. A police department of an incorporated city.

Sec. 42. “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 43. For the purposes of sections 36 to 58, inclusive, of this act, a person:
1. Has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.
2. Acts “as soon as reasonably practicable” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person
would act within approximately the same period under those facts and circumstances.

Sec. 44. 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 or luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct or luring to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560 or 392.4633 or 394.366.

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. If a law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and [allegedly:

(a) Allegedly occurred [ ];

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers [ ];

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or
(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school, the local law enforcement agency shall notify a school police officer.

6. An agency which provides child welfare services shall investigate and, if the agency deems appropriate, assign the matter for investigation. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in sections 36 to 58, inclusive, of this act shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560.

Sec. 45. 1. A person may make a report pursuant to section 44 of this act by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, if obtainable and to the extent applicable:
   (a) The name, address, age and sex of the child and the school in which the child is enrolled;
   (b) The name and address of the child’s parents or other person responsible for the care of the child;
   (c) The nature and extent of the abuse or neglect of the child or the sexual conduct, luring or corporal punishment to which the child was subjected;
   (d) The name, address and relationship, if known, of the person who is alleged to have abused or neglected, engaged in sexual contact with, lured or administered corporal punishment to, the child; and
   (e) Any other information known to the person making the report that the agency which provides child welfare services considers necessary.

Sec. 46. Any person who knowingly and willfully violates the provisions of section 44 of this act is guilty of:
1. For the first violation, a misdemeanor.
2. For each subsequent violation, a gross misdemeanor.

Sec. 47. Any person who is required to make a report pursuant to section 44 of this act may not invoke any of the privileges set forth in chapter 49 of NRS:
1. For failure to make a report pursuant to section 44 of this act;
2. In cooperating with an agency which provides child welfare services; or
3. In any proceeding held pursuant to sections 36 to 58, inclusive, of this act.

Sec. 48. In any proceeding resulting from a report made or action taken pursuant to the provisions of sections 44 or 45 of this act or in any proceeding where the report or the contents thereof is sought to be introduced in evidence, the report or contents or any other fact or facts related thereto or to the condition of the child who is the subject of the report must not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

Sec. 49. 1. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of the child who is the subject of the report, interview the child and any sibling of the child, if an interview is deemed appropriate by the designee, concerning the allegations contained in the report. A designee who conducts an interview pursuant to this subsection must be trained adequately to interview children.

2. A designee of an agency investigating a report made pursuant to section 44 of this act may, with the consent of the parent or guardian of a child who is the subject of the report and after informing the parent or guardian of the provisions of subsection 3:
   (a) Take or cause to be taken photographs of the child’s body, including any areas of trauma; and
   (b) If indicated after consultation with a physician, cause X-rays or medical tests to be performed on the child.

3. The reasonable cost of any photographs or X-rays taken or medical tests performed pursuant to subsection 2 must be paid by the agency which provides child welfare services, parent or guardian of the child if money is not otherwise available.

4. Any photographs or X-rays taken or records of any medical tests performed pursuant to subsection 2, or any medical records relating to the examination or treatment of a child pursuant to this section, or copies thereof, must be sent to the agency which provides child welfare services, any law enforcement agency participating in the investigation of the report and the prosecuting attorney’s office. Each photograph, X-ray, result of a medical test or other medical record:
   (a) Must be accompanied by a statement or certificate signed by the custodian of medical records of the health care facility where the photograph or X-ray was taken or the treatment, examination or medical test was performed, indicating:
      (1) The name of the child;
      (2) The name and address of the person who took the photograph or X-ray, performed the medical test, or examined or treated the child; and
      (3) The date on which the photograph or X-ray was taken or the treatment, examination or medical test was performed;
(b) Is admissible in any proceeding relating to the allegations in the report made pursuant to section 44 of this act; and 
(c) May be given to the child’s parent or guardian if the parent or guardian pays the cost of duplicating them.

5. As used in this section, “medical test” means any test performed by or caused to be performed by a provider of health care, including, without limitation, a computerized axial tomography scan and magnetic resonance imaging.

Sec. 50. 1. Except as otherwise provided in NRS 239.0115 and sections 51 to 55, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act is confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:
(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;
(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;
(c) As otherwise authorized or required pursuant to NRS 432B.290;
(d) As otherwise authorized or required pursuant to NRS 439.538;
(e) As otherwise required pursuant to NRS 432B.513; or
(f) As otherwise authorized or required pursuant to sections 51 to 55, inclusive, of this act.

is guilty of a gross misdemeanor.

Sec. 51. Except as otherwise provided in sections 51 to 54, inclusive, of this act, information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560 or 392.4633 or 394.366 to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560 or 392.4633 or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;
4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;
5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;
6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;
7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;
8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 or similar statutes in another jurisdiction;
9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;
10. A team organized pursuant to NRS 432B.405 to review the death of a child;
11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:
   (a) The identity of the person making the report is kept confidential; and
   (b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;
12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;
13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;
14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;
15. An employer in accordance with subsection 3 of NRS 432.100; and
16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 52. 1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366:
   (a) A copy of:
      (1) Any statement made in writing to an investigator for the agency by the person; or
      (2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or
   (b) A written summary of the allegations made against the person. The summary must not identify the person who made the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to section 44 of this act to the person who made the report.

Sec. 53. 1. Information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Before releasing any information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who makes a report pursuant to section 44 of this act and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the allegations in the report or the life or safety of any person.

3. The provisions of sections 51 to 54, inclusive, of this act must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

4. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides
child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

5. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of sections 51 to 54, inclusive, of this act.

Sec. 54. 1. Except as otherwise provided in sections 51 to 54, inclusive, of this act, any person who is provided with information maintained by an agency which provides child welfare services pursuant to sections 36 to 58, inclusive, of this act and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This section does not apply to:
   (a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;
   (b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or
   (c) An employee of a juvenile justice agency who provides the information to the juvenile court.

2. As used in this section, “juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.

Sec. 55. 1. An agency which provides child welfare services investigating a report made pursuant to section 44 of this act shall, upon completing the investigation, determine whether the report is substantiated or unsubstantiated.

2. If the report is substantiated, the agency shall:
   (a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney’s office within the county for further investigation.
   (b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 which includes statements indicating that:
       (1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person’s name in the Central Registry pursuant to paragraph (a); and
       (2) The person may request an administrative appeal of the substantiation of the report and the agency’s intention to place the person’s name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by section 56 of this act.
   (c) After the conclusion of any administrative appeal pursuant to section 56 of this act or the expiration of the time period prescribed by that section
for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

Sec. 56. 1. A person to whom a written notification is sent pursuant to section 55 of this act may request an administrative appeal of the substantiation of the report and the agency’s intention to place the person’s name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sends the written notification required by section 55 of this act.

2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a timely request for an administrative appeal pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.

3. If a timely request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person’s name in the Central Registry pursuant to section 55 of this act.

4. If the hearing officer in a hearing held pursuant to this section:
(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person’s name in the Central Registry pursuant to section 55 of this act.

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person’s name in the Central Registry pursuant to section 55 of this act.

5. The decision of a hearing officer in a hearing held pursuant to this section is a final decision for the purposes of judicial review.

Sec. 57. 1. Immunity from civil or criminal liability extends to every person who in good faith:
(a) Makes a report pursuant to section 44 of this act;
(b) Conducts an interview or allows an interview to be taken pursuant to section 49 of this act;
(c) Allows or takes photographs or X-rays pursuant to section 49 of this act;
(d) Causes a medical test to be performed pursuant to section 49 of this act;
(e) Provides a record, or a copy thereof, of a medical test performed pursuant to section 49 of this act to an agency which provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report made pursuant to section 44 of this act or the prosecuting attorney’s office; or

(f) Participates in a judicial proceeding resulting from a report made pursuant to section 44 of this act.

2. In any proceeding to impose liability against a person for:
   (a) Making a report pursuant to section 44 of this act; or
   (b) Performing any act set forth in paragraphs (b) to (f), inclusive, of subsection 1,

there is a presumption that the person acted in good faith.

Sec. 58. The Division of Child and Family Services of the Department of Health and Human Services may, in consultation with each agency which provides child welfare services, adopt any regulations necessary for the administration of sections 36 to 58, inclusive, of this act.

Sec. 59. NRS 392.4633 is hereby amended to read as follows:

392.4633 1. Corporal punishment must not be administered upon a pupil in any public school.

2. Subsection 1 does not prohibit any [teacher, principal or other licensed] person from defending himself or herself if attacked by a pupil.

3. [A person may report the use of corporal punishment on a pupil to the agency which provides child welfare services in the county in which the school district is located. If the agency determines that the complaint is substantiated, the agency shall forward the complaint to the Department, the appropriate local law enforcement agency within the county and the district attorney’s office within the county for further investigation.

—(a) As used in this section 1:

(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) “Corporal punishment” means the intentional infliction of physical pain upon or the physical restraint of a pupil for disciplinary purposes. The term does not include the use of reasonable and necessary force:

(1) To quell a disturbance that threatens physical injury to any person or the destruction of property;

(2) To obtain possession of a weapon or other dangerous object within a pupil’s control;

(3) For the purpose of self-defense or the defense of another person; or

(4) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.
Sec. 60. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised or regular contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:
   (a) A complete set of the applicant’s, employee’s or volunteer’s fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer;
   (b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:
   (a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and
   (b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in section 37 of this act, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:
(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and
(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4.

Sec. 61. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:
(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220 or section 44 of this act.
(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:
(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.
(b) “School employee” means a licensed or unlicensed person, other than a school official, who is employed by a private school.
(c) “School official” means:
(1) An owner of a private school.
(2) A director of a private school.
(3) A supervisor at a private school.
(4) An administrator at a private school.
(d) “Teacher” means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 62. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.550, inclusive, and section 60 of this act is guilty of a gross misdemeanor. Each day’s failure to comply with the provisions of these sections is a separate offense.
Sec. 63. The provisions of NRS 288.150, as amended by section 24 of this act:
1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2017, and any provision of the agreement that is in conflict with that section, as amended, is void.
2. Do not apply to any collective bargaining agreement entered into before July 1, 2017.

Sec. 64. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 65. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 291.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 888.
AN ACT relating to health care records; requiring a custodian of health care records to perform certain duties; requiring a custodian of health care records to make certain health care records available for inspection by a coroner or medical examiner under certain circumstances; revising the civil and criminal penalties for a custodian who violates certain requirements; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee’s patients under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law requires a physician or other provider of health care to: (1) retain the health care records of patients for at least 5 years; (2) make available to investigators certain health care records of a patient who is suspected of having operated a motor vehicle while intoxicated; (3) maintain a record of information provided by a patient relating to health insurance coverage; and (4) provide to the Department of Corrections the health care records of an offender confined at the state prison. (NRS 629.051, 629.065, 629.066, 629.068) Sections 4 and 7-9 of this bill require the custodian of the relevant health care records to perform those duties. Section 1 of this bill defines the custodian of health care records as any person having primary custody of those records or a facility that maintains the health care records of patients.

Existing law requires a provider of health care to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Section 5 of this bill requires the custodian of health care records to make the records available for
inspection, and includes in the definition of “health care records,” for the purposes of that section, any records that reflect the amount charged for medical services or care provided to a patient. **Section 5 further requires the custodian of health care records to make health care records available for inspection by a coroner or medical examiner in the performance of his or her duties.**

A custodian of the health care records of a provider of health care is prohibited by existing law from preventing the provider from inspecting or obtaining copies of the records. If the custodian ceases to do business in this State, the custodian must deliver the records or copies of the records to the provider. Any violation of those requirements is a gross misdemeanor and subjects the custodian to a potential civil penalty of not less than $10,000, to be recovered in a civil action. (NRS 629.063) **Section 6 of this bill provides that only a custodian of health care records who is not licensed under certain provisions of NRS and who violates the foregoing requirements is guilty of a gross misdemeanor. Section 6 also revises the civil penalty provisions so that [$10,000] **$5,000** is the maximum penalty that may be collected. Finally, section 6 provides that any action to recover a civil penalty must be brought by the district attorney of the county in which the action is brought, for each violation as applied to a patient’s entire health care record.**

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) **Section 9.5 of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee’s patients in the event of the licensee’s death, disability, incarceration or other incapacitation that renders the licensee unable to continue his or her practice. Section 9.5 further authorizes the Board to provide a patient’s records to the patient or to the patient’s subsequent provider of health care. Section 9.5 also requires that certain disclosures regarding such records be provided to patients.**

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

**Section 1.** Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. “Custodian of health care records” or “custodian” means:
   (a) Any person having primary custody of health care records pursuant to this chapter; or
   (b) Any facility that maintains the health care records of patients.

2. For the purposes of this section, a provider of health care shall not be deemed to have primary custody of health care records or to be the operator of a facility that maintains the health care records of patients:
   (a) Solely by reason of the status of the provider as a member of a group of providers of health care; or
   (b) If another person is employed or retained to maintain custody of the health care records of the provider.
Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 629.021, 629.026 and 629.031 and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 3. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:
   (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
   (b) A physician assistant;
   (c) A dentist;
   (d) A licensed nurse;
   (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
   (f) A dispensing optician;
   (g) An optometrist;
   (h) A speech-language pathologist;
   (i) An audiologist;
   (j) A practitioner of respiratory care;
   (k) A registered physical therapist;
   (l) An occupational therapist;
   (m) A podiatric physician;
   (n) A licensed psychologist;
   (o) A licensed marriage and family therapist;
   (p) A licensed clinical professional counselor;
   (q) A music therapist;
   (r) A chiropractor;
   (s) An athletic trainer;
   (t) A perfusionist;
   (u) A doctor of Oriental medicine in any form;
   (v) A medical laboratory director or technician;
   (w) A pharmacist;
   (x) A licensed dietitian;
   (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
   (z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
   (aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or
   (bb) A medical facility as the employer of any person specified in this subsection.

2. [For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.]

3. [For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:
(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each provider of health care records shall retain the health care records of his or her patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A provider of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section do not apply to a pharmacist.
9. The State Board of Health shall adopt:
   (a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and
   (b) Any other regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each [provider] custodian of health care records shall make the health care records of a patient available for physical inspection by:
   (a) The patient or a representative with written authorization from the patient;
   (b) The personal representative of the estate of a deceased patient;
   (c) Any trustee of a living trust created by a deceased patient;
   (d) The parent or guardian of a deceased patient who died before reaching the age of majority;
   (e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;
   (f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or
   (g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law; or
   (h) Any coroner or medical examiner to identify a deceased person, determine a cause of death or perform other duties as authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:
   (a) Within this State, the [provider] custodian of health care records shall make any records requested pursuant to this section available for inspection within 10 working days after the request.
   (b) Outside this State, the [provider] custodian of health care records shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f), (g) or (h) of subsection 1 and the investigator, grand jury authorized representative, coroner or medical examiner, as applicable, declares that exigent circumstances exist which require the immediate production of the records, the [provider] custodian of health care records shall make any records which are located:
   (a) Within this State available for inspection within 5 working days after the request.
   (b) Outside this State available for inspection within 10 working days after the request.
4. Except as otherwise provided in subsection 5, the [provider] custodian of health care records shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The [provider] custodian of health care records shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the [provider of health care] custodian for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The [provider of health care] custodian shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the [provider of health care] custodian shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:
   (a) The patient or a representative with written authorization from the patient;
   (b) The personal representative of the estate of a deceased patient;
   (c) Any trustee of a living trust created by a deceased patient;
   (d) The parent or guardian of a deceased patient who died before reaching the age of majority; or
   (e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

   The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:
(a) The patient named in the records has consented in writing to their use; or
(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:
(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.
(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care, custodian of health care records or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:
(a) “Guardian” means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.
(b) “Health care records” has the meaning ascribed to it in NRS 629.021, but also includes any billing statement, ledger or other record of the amount charged for medical services or care provided to a patient.
(c) “Living trust” means an inter vivos trust created by a natural person:
(1) Which was revocable by the person during the lifetime of the person; and
(2) Who was one of the beneficiaries of the trust during the lifetime of the person.
(d) “Parent” means a natural or adoptive parent whose parental rights have not been terminated.
(e) “Personal representative” has the meaning ascribed to it in NRS 132.265.

Sec. 6. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:
(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.
(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care
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records [of] created by the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who is not otherwise licensed pursuant to title 54 of NRS and violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not [less] more than [[$10,000]] $5,000 for each violation, as applied to a patient’s entire health care record, to be recovered in a civil action brought in the district court in the county in which the provider of health care’s principal place of business is located or in the district court of Carson City. [Any such action must be brought by the district attorney of the county in which the action is brought.]

4. As used in this section, “custodian of health care records” means any person having custody of any health care records pursuant to this chapter. The term does not include:
   (a) A facility for hospice care, as defined in NRS 449.0033;
   (b) A facility for intermediate care, as defined in NRS 449.0038;
   (c) A facility for skilled nursing, as defined in NRS 449.0039;
   (d) A hospital, as defined in NRS 449.012; or
   (e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 7. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider custodian of health care records shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of the blood, breath or urine of the patient if:
   (a) The patient is suspected of having violated NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.000, NRS 488.410, 488.420 or 488.425; and
   (b) The records would aid in the related investigation.

To the extent possible, the provider of health care custodian shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider custodian of health care records shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.
4. A [provider] custodian of health care records and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, “prohibited substance” has the meaning ascribed to it in NRS 484C.080.

Sec. 8. NRS 629.066 is hereby amended to read as follows:

629.066 1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying for a service which has been or may be rendered to the patient:

(a) The [provider] custodian of health care records of the patient shall maintain a record of the information provided by the patient; and

(b) If the provider of health care fails to submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health care plan if the provider of health care had submitted the claim for payment pursuant to the terms of the health care plan.

2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care which is inaccurate, outdated or otherwise causes the provider of health care to submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, “health care plan” has the meaning ascribed to it in NRS 679B.520.

Sec. 9. NRS 629.068 is hereby amended to read as follows:

629.068 1. A [provider] custodian of health care records shall, upon request of the Director of the Department of Corrections or the designee of the Director, provide the Department of Corrections with a complete copy of the health care records of an offender confined at the state prison.

2. Records provided to the Department of Corrections must not be used at any public hearing unless:

(a) The offender named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the offender from public disclosure.

3. A [provider] custodian of health care records and [an] any agent or employee of a provider of health care, the custodian are immune from civil liability for a disclosure made in accordance with the provisions of this section.
Sec. 9.5. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes unable to practice because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records of patients of the licensee kept by the custodian of health care records pursuant to NRS 629.051 to:
   (a) Make the health care records of a patient available to the patient either directly or through a third-party vendor; or
   (b) Forward the health care records of a patient to the patient’s subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:
   (a) Regulations prescribing the form, size, contents and placement of the sign and written statement required by this section; and
   (b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section:
   (a) “Custodian of health care records” has the meaning ascribed to it in section 1 of this act.
   (b) “Health care records” has the meaning ascribed to it in NRS 629.021.

Sec. 10. NRS 630.3062 is hereby amended to read as follows:

630.3062 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

   (a) Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.
   (b) Altering medical records of a patient.
   (c) Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.
   (d) Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061, if the licensee is the custodian of health care records with respect to those records.
   (e) Failure to comply with the requirements of NRS 630.3068.
   (f) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the
Board within 30 days after the date the licensee knows or has reason to know of the violation.

7. (g) Failure to comply with the requirements of NRS 453.163 or 453.164.

2. As used in this section, “custodian of health care records” has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist or dental hygienist is the custodian of health care records with respect to those records.

2. As used in this section, “custodian of health care records” has the meaning ascribed to it in section 1 of this act.

Sec. 12. NRS 633.131 is hereby amended to read as follows:

633.131 1. “Unprofessional conduct” includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine or to practice as a physician assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or
(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061 if the licensee is the custodian of health care records with respect to those records.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in
proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, “custodian of health care records” has the meaning ascribed to it in section 1 of this act.

Sec. 13. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 337.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 730.

AN ACT relating to pharmacists; requiring the State Board of Pharmacy to adopt regulations pertaining to the collection of specimens and performance of certain laboratory tests by a registered pharmacist; authorizing a registered pharmacist to manipulate a person for the collection of specimens; authorizing a registered pharmacist to perform certain laboratory tests without obtaining certification as an assistant in a medical laboratory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law prohibits persons other than certain licensed health care professionals from manipulating a person for the collection of specimens. In addition, existing law authorizes such licensed medical professionals to perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory. (NRS 652.210) [This] Section 2 of this bill authorizes a registered pharmacist to manipulate a person for the collection of specimens and perform such laboratory tests without obtaining certification as an assistant in a medical laboratory.

Section 1 of this bill requires the State Board of Pharmacy to adopt regulations that are necessary to carry out the provisions of section 2 with regard to a registered pharmacist. Section 1 further specifies that such regulations must: (1) require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to section 2; and (2) set forth the procedures and requirements with which a registered pharmacist must comply when performing the duties authorized by section 2.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto
a new section to read as follows:

1. The Board shall adopt such regulations as are necessary to carry out
the provisions of NRS 652.210 with regard to a registered pharmacist,
including, without limitation, regulations that:

(a) Require a registered pharmacist to use only a fingerstick or oral or
nasal swab to collect the specimens pursuant to NRS 652.210; and

(b) Set forth the procedures and requirements with which a registered
pharmacist shall comply when manipulating a person for the collection of
specimens or performing any laboratory test pursuant to NRS 652.210.

2. As used in this section, “fingerstick” means a procedure in which a
finger is pricked with a lancet, small blade or other instrument to obtain a

Section 2. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS
126.121 and 652.186, no person other than a licensed physician, a licensed
optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a
physician assistant licensed pursuant to chapter 630 or 633 of NRS, a
certified advanced emergency medical technician, a certified paramedic, a
practitioner of respiratory care licensed pursuant to chapter 630 of NRS,
a licensed dentist or a registered pharmacist may manipulate a person for the
collection of specimens. The persons described in this subsection may
perform any laboratory test which is classified as a waived test pursuant to
Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without
obtaining certification as an assistant in a medical laboratory pursuant to
NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove
stomach contents, perform certain diagnostic skin tests or field blood tests or
collect material for smears and cultures.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the
amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by the Committee on
Government Affairs:
Amendment No. 868.

AN ACT relating to employment; requiring certain penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; requiring civil penalties imposed by the Nevada Equal Rights Commission for certain unlawful employment practices to be deposited in the Nevada Equal Rights Commission Gift Fund for certain purposes; making it an unlawful employment practice for an employer, employment agency or labor organization to discriminate against a person for inquiring about, discussing or disclosing information about wages in certain circumstances; revising provisions relating to unlawful employment practices; revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; authorizing a person who has been injured by an unlawful employment practice relating to discussing or disclosing information about wages to file a complaint with the Nevada Equal Rights Commission; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits an employer, employment agency, labor organization or joint labor-management committee from discriminating against any person with respect to employment or membership, as applicable, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. (NRS 613.330) Existing law also requires the Nevada Equal Rights Commission to accept certain complaints alleging unlawful discriminatory practices and, if the Commission determines that an unlawful practice has occurred, order: (1) the person engaging in the practice to cease and desist; and (2) for a case involving an unlawful employment practice, the restoration of all benefits and rights to which the aggrieved person is entitled. (NRS 233.157, 233.160, 233.170)

Section 1.5 of this bill revises provisions governing the filing of complaints alleging a practice of unlawful discrimination in compensation to require that the complaint be filed within 300 days after any date on which: (1) a decision or practice resulting in discriminatory compensation is adopted; (2) a person becomes subject to such a decision or practice; or (3) a person is affected by an application of such a decision or practice. Section 1.5 also requires the Commission to notify each party to a complaint of the period of time that a person may apply to a district court for relief. Sections 2 and 2.5 of this bill revise the powers of the Commission to order remedies for unlawful employment practices. Section 2 authorizes the Commission to: (1) award back pay for a period beginning 2 years before the date of the filing of a complaint regarding an unlawful employment
practice and ending on the date the Commission issues an order regarding the complaint; (2) award costs and reasonable attorney’s fees in cases involving an unlawful employment practice; (3) order payment of compensatory damages or, if the employer acted with malice or reckless indifference, punitive damages in cases involving an unlawful employment practice relating to discrimination on the basis of sex; and (4) order a civil penalty, in increasing amounts, for an unlawful employment practice that it determines is willful based on the number of such practices the person has committed in the previous 5 years. **Section 1** of this bill requires, with limited exception, that any penalty or fine imposed by the Commission for certain unlawful discriminatory practices be deposited in the State General Fund and authorizes the Commission to present a claim for recommendation to the Interim Finance Committee if money is required to pay certain costs. **Section 1** requires that any civil penalty imposed by the Commission for willful unlawful employment practices be deposited in the Nevada Equal Rights Commission Gift Fund and used to prevent unlawful employment practices through enforcement, outreach and training.

**Section 12** of this bill requires the Commission, if it does not conclude that an unfair employment practice has occurred, to issue a letter to the person who filed the complaint concerning an unfair employment practice. This letter must notify the person of his or her right to apply to the district court for an order relating to the alleged unfair employment practice and any potential punitive damages owed to the person. **Section 13** of this bill provides that a person may apply to a district court for relief pursuant to **section 12** up to 180 days after the date of issuance of the letter described in **section 12**, in addition to the existing authority to apply to a district court for relief up to 180 days after the date of the alleged act.

This bill also enacts several provisions contained in the federal Paycheck Fairness Act, which was most recently introduced in the United States Senate on March 25, 2015, but has not been enacted to date. (S. 862 (114th)) Specifically, **section 3** of this bill prohibits an employer, employment agency or labor organization from discriminating against any person with respect to employment or membership, as applicable, for inquiring about, discussing or disclosing information about wages unless the person has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information. **Under section 11 of this bill, any person injured by such an unlawful employment practice may file a complaint with the Commission**. **Section 7** of this bill provides that it is an unlawful employment practice to use a qualification which is based upon or derived from a difference on the basis of sex or a qualification that an employer, employment agency, labor organization or joint labor-management committee has refused to change after being presented by an affected person with an alternative practice that would serve the same purpose in a manner that is less discriminatory on the basis of sex.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. 

All Except as otherwise provided in subsection 3, all penalties and fines imposed by the Commission pursuant to NRS 233.170 and 233.210 must be deposited with the State Treasurer for credit to the State General Fund.

2. If the money collected from the imposition of any penalty and fine is deposited in the State General Fund pursuant to subsection 1, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if the money is required to pay attorney's fees or the costs of an investigation, or both.

3. A civil penalty imposed by the Commission pursuant to subparagraph (5) of paragraph (b) of subsection 3 of NRS 233.170 must be deposited in the Nevada Equal Rights Commission Gift Fund created by NRS 233.155. The money described in this subsection must be accounted for separately in the Fund and used only for the purpose of preventing unlawful employment practices in this State through enforcement of this chapter, outreach and training.

Sec. 1.5. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to that party; and

(c) A copy of the Commission’s procedures.
4. The Commission shall notify each party to the complaint of the limitation on the period of time that a person may apply to the district court for relief pursuant to NRS 613.430.

5. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on each date on which:
   (a) A decision or other practice resulting in discriminatory compensation is adopted;
   (b) A person becomes subject to a decision or other practice resulting in discriminatory compensation; or
   (c) A person is affected by an application of a decision or other practice resulting in discriminatory compensation, including, without limitation, each payment of wages, benefits or other compensation that is affected by the decision or practice.

Sec. 2. NRS 233.170 is hereby amended to read as follows:

Sec. 2. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of unlawful practice, the Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.

2. If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The party against whom a complaint was filed may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

3. If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:
   (a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and
   (b) Order the person to:
      (1) Cease and desist from the unlawful practice.
      (2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period not to exceed 2 years after the date of the most recent unlawful practice described in subsection 4, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission’s decision at a rate equal to
the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission’s decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice, pay the costs and reasonable attorney’s fees incurred by the aggrieved person to pursue the claim.

(4) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission as compensatory damages or, if the Commission determines that the employer acted with malice or reckless indifference, punitive damages, which, upon submission of proof by the aggrieved party, may include, without limitation, compensation that would have been earned in the absence of discrimination for overtime, shift differential, commissions, tips, cost of living adjustments, merit increases or promotions, or for other fringe benefits, including, without limitation, vacation pay, pension or retirement benefits, stock options or bonus plans, contributions to a savings plan, profit sharing or benefits for medical or life insurance.

(5) In cases involving an unlawful employment practice that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $10,000.

(II) For the second unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $15,000.

(III) For the third and any subsequent unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $25,000.

4. For the purposes of subparagraph (2) of paragraph (b) of subsection 3, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection 3 addressing all unlawful practices which occur during that period and which are similar or related to an unlawful practice in the complaint.

5. The Commission shall adopt regulations setting forth the manner in which the Commission will determine whether an unlawful employment practice was willful.

6. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission’s order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the
Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission’s findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission’s order and finds that the person has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall:

(a) **Shall** award the aggrieved party actual damages for any economic loss;

(b) **May**, if the court determines that the employer’s act or failure to act was the result of malice or reckless indifference, impose an amount determined to be appropriate by the court as punitive damages.

7. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

Sec. 2.5. **NRS 233.210** is hereby amended to read as follows:

233.210 Any person who willfully resists, prevents, impedes or interferes with the Commission, its members, the Administrator or agents in the performance of duties pursuant to this chapter shall be fined not more than $500. **In such an action, the Commission may recover any reasonable costs or expenses incurred by the Commission, its members, the Administrator or agents in the performance of duties pursuant to this chapter.**

Sec. 3. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. **Except as otherwise provided in subsection 2, it is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or an applicant for membership, because the employee, applicant, person or member, as applicable, has inquired about, discussed or disclosed his or her wages or the wages of another employee, applicant, person or member.**

2. **The provisions of subsection 1 do not apply to an employee, applicant, person or member who has access to information about the wages of other employees, applicants, persons or members as part of his or her essential job functions and discloses that information to a person who does not have access to that information unless the disclosure is in response to a charge, complaint or investigation for a violation of NRS 613.330.**

Sec. 4. **NRS 613.310** is hereby amended to read as follows:

613.310 **As used in NRS 613.310 to 613.435, inclusive, and section 3 of this act, unless the context otherwise requires:**

1. “Disability” means, with respect to a person:

   (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;
(b) A record of such an impairment; or 
(c) Being regarded as having such an impairment.

2. “Employer” means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:
(a) The United States or any corporation wholly owned by the United States.
(b) Any Indian tribe.
(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

5. “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. “Person” includes the State of Nevada and any of its political subdivisions.

7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 5. NRS 613.320 is hereby amended to read as follows:
613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, and section 3 of this act do not apply to:
(a) Any employer with respect to employment outside this state.
(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, and section 3 of this act concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 6. NRS 613.340 is hereby amended to read as follows:
613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, and section 3 of
this act, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive, and section 3 of this act.

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 7. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.
3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees’ benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, and section 3 of this act as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee’s gender identity or expression.

7. For the purpose of subsection 1, the term “bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise” does not include:

(a) A qualification which is based upon or derived from a difference on the basis of sex; or

(b) A qualification which the employer, employment agency, labor organization or joint labor-management committee has refused to change after an affected person has presented an alternative practice that would serve the same purpose without producing the same amount of differential treatment on the basis of sex.

Sec. 8. NRS 613.380 is hereby amended to read as follows:

613.380 Notwithstanding any other provision of NRS 613.310 to 613.435, inclusive, and section 3 of this act, it is not an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if those differences are not the result of an intention to
discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, if the test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

Sec. 9. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.435, inclusive, and section 3 of this act applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 10. NRS 613.400 is hereby amended to read as follows:

613.400 Nothing contained in NRS 613.310 to 613.435, inclusive, and section 3 of this act requires any employer, employment agency, labor organization or joint labor-management committee subject to NRS 613.310 to 613.435, inclusive, and section 3 of this act to grant preferential treatment to any person or to any group because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of the individual or group on account of an imbalance which exists with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in any community, section or other area, or in the available workforce in any community, section or other area.

Sec. 11. NRS 613.405 is hereby amended to read as follows:

613.405 (1) Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, and section 3 of this act may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Any person injured by an unlawful employment practice within the scope of section 3 of this act may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.
Sec. 12. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.435, inclusive, and section 3 of this act has occurred [any):

1. Any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections [and, if the court determines that the employer’s act or failure to act was the result of malice or reckless indifference, imposing an amount determined to be appropriate by the court as punitive damages]; and

2. The Commission shall issue a letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 1.

Sec. 13. NRS 613.430 is hereby amended to read as follows:

613.430 No action authorized by NRS 613.420 may be brought more than 180 days after the date of the act complained of [or more than 180 days after the date of the issuance of the letter described in subsection 2 of NRS 613.420, whichever is later]. When a complaint is filed with the Nevada Equal Rights Commission the limitation provided by this section is tolled as to any action authorized by NRS 613.420 during the pendency of the complaint before the Commission.

Sec. 14. This act becomes effective:

1. 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

2. On January 1, 2018, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 406.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 731.
AN ACT relating to court reporters; [authorizing the issuance and renewal of a temporary certificate of registration to engage in the practice of court reporting in certain circumstances; prescribing a fee for the issuance and renewal of such a temporary certificate of registration;] revising the qualifications for a certificate of registration as a court reporter; authorizing the Certified Court Reporters’ Board of Nevada to take additional actions against certain unlicensed practices; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:

Existing law authorizes a person who meets certain requirements to practice court reporting on a temporary basis, with the approval of the Certified Court Reporters’ Board of Nevada, if there is an acknowledged shortage of court reporters. (NRS 656.145) Section 2 of this bill authorizes a natural person to obtain a temporary certificate of registration from the Board to engage in the practice of court reporting on a temporary basis if there is such an acknowledged shortage or the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States and meets certain other requirements. Section 19 of this bill sets forth the fee for the issuance and renewal of such a temporary certificate of registration.

Existing law provides that willfully altering a transcript of stenographic notes taken at any proceedings is a grounds for disciplinary action against a court reporter or court reporting firm. (NRS 656.250) Section 4 of this bill further prohibits, with limited exceptions, a court reporter or a court reporting firm from altering the record of a proceeding after the transcript of the proceeding has been certified.

Sections 15, 20, 21, 24, 25, 29, 33 and 35 of this bill require licensed court reporting firms to comply with certain existing laws which apply to certified court reporters.

Existing law prohibits any person from putting out a sign or card or other device which indicates to members of the public that the person is entitled to engage in the practice of court reporting or conduct business as a court reporting firm. (NRS 656.145, 656.185) Sections 10 and 15 of this bill prohibit the use of any identifying term by a natural person or business entity that may indicate to the public that the natural person or business entity is entitled to: (1) practice as a court reporter; or (2) conduct business as a court reporting firm.

Existing law requires an applicant for a certificate of registration as a court reporter to pass an examination administered by the Certified Court Reporters’ Board of Nevada that includes a practical demonstration portion. (NRS 656.160, 656.180) Section 12-14 of this bill: (1) eliminate the requirement for that portion of the examination and instead require such an applicant to receive a passing grade on one of two enumerated national examinations; (2) revise the requirements for admission to the examination administered by the Board; and (3) revise the qualifications of an applicant for a certificate of registration as a certified court reporter.

Existing law authorizes the Attorney General of the State of Nevada, the district attorney of any county in the State or any resident to maintain an action in the name of the State of Nevada to enjoin any person from unlawfully engaging in the practice of court reporting or unlawfully conducting business as a court reporting firm without first obtaining a certificate or license or with a suspended or revoked certificate or license. (NRS 656.300) Section 29 of this bill instead authorizes the Board to impose administrative fines against, issue citations to, and issue and serve orders to
cease and desist on natural persons who and business entities that engage in 
such unlicensed practices or conduct.

Existing law provides that a person who violates any law or regulation 
governing court reporters and court reporting firms is subject to a civil 
penalty of not more than $5,000 for each violation. (NRS 656.360) **Section 
35** of this bill removes that provision and instead authorizes the Board, after 
notice and hearing, to impose upon a natural person or business entity who 
violates any law or regulation governing certified court reporters and court 
reporting firms an administrative fine of not more than $5,000 for each 
violation for which the administrative fine is imposed.

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

**Section 1.** Chapter 656 of NRS is hereby amended by adding thereto the 
provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. **(1)** The Board may issue a temporary certificate of 
registration to a natural person who meets the requirements set forth in 
this section if:

(a) There is an acknowledged unavailability of a certified court reporter; 
or

(b) The applicant is an active member of, or the spouse of an active 
member of, the Armed Forces of the United States.

(2) An applicant for a temporary certificate of registration must file an 
application with the Executive Secretary of the Board as required by NRS 
656.150 and submit to the Board with his or her application, satisfactory 
evidence to the Board that he or she has:

(a) Satisfied the requirements set forth in subsections 1 to 5, inclusive, 
of NRS 656.180;

(b) At least one continuous year of experience working as a full-time 
court reporter;

(c) Received one of the following:

(1) A certificate as a registered professional reporter issued to the 
applicant by the National Court Reporters Association;

(2) A certificate as a registered merit reporter issued to the applicant 
by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter issued to the applicant 
by the National Verbatim Reporters Association; or

(4) A valid certificate or license to practice court reporting issued to 
the applicant by the District of Columbia or any state or territory of the 
United States if the requirements for certification or licensure in that 
jurisdiction are 
substantially equivalent to the requirements of this State for obtaining a 
certificate;

(d) Paid the fee for a temporary certificate of registration set forth in 
NRS 656.220; and
3. Submitted all information required to complete an application for a temporary certificate of registration.

4. A temporary certificate of registration issued pursuant to this section is valid for not more than 12 months and, except as otherwise provided in subsection 5, may be renewed on or before January 2 of the succeeding year by:
   (a) Applying to the Board for renewal;
   (b) Paying the fee for the annual renewal of a temporary certificate of registration set forth in NRS 656.220; and
   (c) Submitting all information required to complete an application for renewal of a temporary certificate of registration, including, without limitation, proof of compliance with the provisions of paragraph (b) of subsection 4.

5. A natural person to whom a temporary certificate of registration is issued pursuant to this section may engage in the practice of court reporting and must:
   (a) Comply with all the provisions of this chapter and all applicable laws, regulations and court and procedural rules governing the practice of court reporting in this State; and
   (b) Except as otherwise provided in this paragraph, pay the applicable fees for examination and take the examinations administered by the Board pursuant to NRS 656.160 and one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170 until he or she satisfactorily passes the examinations. In accordance with subsection 5, the holder of a temporary certificate of registration is not entitled to a temporary certificate of registration if the holder does not pass those examinations within a period of 36 months after the issuance of the original temporary certificate of registration.

Sec. 3. 1. The Board may maintain in any court of competent jurisdiction an action for an injunction against any natural person or business entity who violates any provision of this chapter.

2. Such an injunction:
   (a) May be issued without proof of actual damage sustained by any natural person or business entity.
   (b) Does not relieve such natural person or business entity from any criminal prosecution for the same violation.

Sec. 4. 1. Except as otherwise provided in subsection 2, a certified court reporter or licensee shall not alter the record of a proceeding after the transcript of the proceeding has been certified unless:
   (a) Each party to the proceeding stipulates to the alteration; or
   (b) The judge or arbiter presiding over the proceeding orders the alteration.
2. A licensee may, upon receiving a transcript from a certified court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the licensee notifies the certified court reporter who certified the transcript of the proposed alterations and receives the approval of the certified court reporter for each alteration.

Sec. 5. NRS 656.010 is hereby amended to read as follows:

656.010 This chapter is known and may be cited as the Nevada Certified Court Reporters’ and Licensed Court Reporting Firms’ Law.

Sec. 6. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. “Board” means the Certified Court Reporters’ Board of Nevada.

2. “Business entity” means any form of business organization, including, without limitation, a corporation, partnership, sole proprietorship, limited-liability company or limited-liability partnership. *The term does not include a natural person or governmental entity.*

3. “Certificate” means a certified court reporter’s certificate issued under the provisions of this chapter.

4. “Certified court reporter” or “court reporter” means a natural person who is technically qualified and registered under this chapter to practice court reporting.

5. “Court reporting firm” means a person who, for compensation, provides or arranges for the services of a certified court reporter or provides referral services for certified court reporters in this State.

6. “Designated representative of a court reporting firm” means the natural person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

7. “Distance education program” means a program that offers instruction which is delivered by the Internet in such a manner that the natural person supervising or providing the instruction and the natural person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

8. “License” means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

9. “Licensee” means a business entity to which a license has been issued.

10. “Practice of court reporting” means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:

   (a) Grand jury proceedings;
   (b) Court proceedings, with the exception of proceedings before a federal court;
   (c) Pretrial examinations, depositions, motions and related proceedings of like character; or
(d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.

[10.] 11. “Stenographic notes” means:
   (a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a certified court reporter while in attendance at a proceeding to report the proceeding; or
   (b) The record produced by the use of voice writing by a certified court reporter while in attendance at a proceeding.

[11.] 12. “Temporary certificate of registration” means a certificate issued to a natural person under the provisions of section 2 of this act.

[12.] 13. “Voice writing” means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:
   (a) Digitally translating the words into text; or
   (b) Making a tape or digital recording of those words.
   The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.

Sec. 7. NRS 656.050 is hereby amended to read as follows:

656.050 The members of the Board must be appointed by the Governor as follows:
1. One member of the Board must be an active member of the State Bar of Nevada.
2. Three members of the Board must be holders of certificates and must have been actively engaged as certified court reporters within this State for at least 5 years immediately preceding their appointment.
3. One member of the Board must be a representative of the general public. This member must not be:
   (a) A certified court reporter; or
   (b) The spouse or the parent or child, by blood, marriage or adoption, of a certified court reporter.

Sec. 8. NRS 656.105 is hereby amended to read as follows:

656.105 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a natural person or business entity are confidential, unless the natural person or business entity submits a written statement to the Board requesting that such documents and information be made public records.
2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.
3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.
4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a natural person or business entity, including, without limitation, a law enforcement agency.

Sec. 9. NRS 656.140 is hereby amended to read as follows:

656.140 The Board may aid in all matters pertaining to the advancement of the practice of court reporting, including but not limited to all matters that may advance the professional interests of certified court reporters and licensees and such matters as concern their relations with the public.

Sec. 10. NRS 656.145 is hereby amended to read as follows:

656.145 [Except as otherwise provided in subsection 2 of this act] It is unlawful for any natural person to practice court reporting or to advertise or put out any sign or card or other device which might use any identifying term that may indicate to the public that the natural person is entitled to practice as a court reporter unless the natural person holds a certificate of registration as a certified court reporter issued by the Board.

2. Any person may, with the approval of the Board, practice court reporting on a temporary basis when there is an acknowledged unavailability of a certified court reporter. A person requesting the approval of the Board to practice court reporting on a temporary basis shall submit to the Board:

(a) Documentation or other proof that the person has at least one continuous year of experience working full-time in the practice of court reporting;

(b) A copy of:

(1) The certification as a registered professional reporter issued to the person by the National Court Reporters Association;

(2) The certification as a registered merit reporter issued to the person by the National Court Reporters Association; or

(3) A valid certificate or license to practice court reporting issued to the person by another state.

Sec. 11. NRS 656.150 is hereby amended to read as follows:

656.150 1. Each applicant for a certificate must file an application with the Executive Secretary of the Board at least 30 days before the date fixed for examination. The application must be accompanied by the required fee and all information required to complete the application.

2. No certificate may be issued until the applicant has passed:

(a) Passed the examination prescribed by the Board and paid;

(b) Passed one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170; and

(c) Paid the fee as provided in NRS 656.220.
Sec. 12. NRS 656.160 is hereby amended to read as follows:
656.160 1. Every person who files an application for an original certificate must personally appear before the Board for an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his or her competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public.

2. In determining competency, the Board shall administer an examination to determine whether the applicant has:
   (a) A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology; and
   (b) Sufficient ability to report accurately any of the matters comprising the practice of court reporting consisting of material read at not less than 180 words per minute or more than 225 words per minute; and
   (c) A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.

Sec. 13. NRS 656.170 is hereby amended to read as follows:
656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No natural person may be admitted to the examination unless the natural person first applies to the Board as required by NRS 656.150. The application must include, without limitation, satisfactory evidence to the Board that he or she has:
   (a) Received a valid temporary certificate of registration or has:
   (1) Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;
   (2) Received a passing grade on the National Court Reporters Association’s examination for registered professional reporters if the Board has approved the examination;
   (3) Completed course work at a school for court reporters or completed course work offered through a distance education program for court reporters in English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription and computer-aided transcription, reporting procedures and court reporting at 200 words per minute with an accuracy of 95 percent;
   (4) A;
   (c) Received one of the following:
(1) A certificate as a registered professional reporter [registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from] issued to the applicant by the National Court Reporters Association [if the Board has approved each such certificate];

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter [realtime verbatim reporter, registered CART provider or registered broadcast captioner or a certificate of merit from] issued to the applicant by the National Verbatim Reporters Association [if the Board has approved each such certificate];

(4) A valid certificate or license to practice court reporting issued to the applicant by another state [if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate];

(1) At least 1 year of continuous experience [as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing] within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination set forth in NRS 656.220.

3. As used in this section, “practice of court reporting” includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 14. NRS 656.180 is hereby amended to read as follows:

656.180 Except as otherwise provided in section 2 of this act, any applicant for a certificate of registration as a certified court reporter is entitled to a certificate if the applicant:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States;
2. Is at least 18 years of age;
3. Is of good moral character;
4. Has not been convicted of a felony relating to the practice of court reporting;
5. Has a high school education or its equivalent;
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6. Satisfactorily passes [an]:
   (a) An examination administered by the Board pursuant to NRS 656.160;
   (b) One of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;
7. Pays the requisite fees; and
8. Submits all information required to complete an application for a certificate of registration.

Sec. 15. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any person business entity to conduct business as a court reporting firm or to advertise or put out any sign or card or other device which use any identifying term that may indicate to members of the public that he or she the business entity is entitled to conduct such a business without first obtaining a license from the Board.
2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.
3. The application must:
   (a) Include the federal identification number of the applicant;
   (b) Include the name of the natural person who will be appointed as the designated representative of the court reporting firm and such other identifying information about that natural person as required by the Board;
   (c) Be accompanied by the required fee; and
   (d) Include all information required to complete the application.
4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 16. NRS 656.186 is hereby amended to read as follows:

656.186 1. Each court reporting firm shall appoint one natural person affiliated with the court reporting firm to act as the designated representative for the firm. The natural person so appointed must:
   (a) Hold a certificate; or
   (b) Pass an examination administered by the Board pursuant to subsection 2.
2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm understands:
   (a) The ethics and professionalism required for the practice of court reporting; and
   (b) The obligations owed by a certified court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.
3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in the examination administered by the Board pursuant to this section.

Sec. 17. NRS 656.200 is hereby amended to read as follows:

656.200 [Except as otherwise provided in section 2 of this act;]
1. To renew a certificate of registration a **certified** court reporter must:
   (a) Apply to the Board for renewal;
   (b) Pay the annual renewal fee prescribed by the Board;
   (c) Submit evidence to the Board of completion of the requirements for continuing education established by the Board; and
   (d) Submit all information required to complete the renewal.

2. The Board shall adopt regulations requiring **certified** court reporters to participate in continuing education or training as a prerequisite to the renewal or restoration of a certificate. If a **certified** court reporter fails to comply with the requirements, the Board may suspend or revoke his or her certificate.

3. The failure of any **certified** court reporter to submit all information required to complete the renewal or pay in advance the annual renewal fee which may be fixed by the Board as necessary to defray the expense of administering the provisions of this chapter results in the suspension of the reporter’s right to engage in the practice of court reporting. The suspension must not be terminated until all required information has been submitted and all delinquent fees have been paid.

4. A **certified** court reporter whose certificate of registration has been suspended because of failure to submit all required information or pay the renewal fee:
   (a) May within 2 years thereafter have the certificate reinstated without examination upon submission of all required information and payment of the fees set forth in paragraph (e) of subsection 1 of NRS 656.220.
   (b) While he or she was on active military duty or in training before induction, may have the certificate renewed without payment of any fee if he or she files an application for renewal, an affidavit of such service with the Board within 2 years after the termination of the service and all information required to complete the renewal.

Sec. 18. NRS 656.205 is hereby amended to read as follows:

656.205 1. The Board may:
   (a) Develop and conduct programs of continuing education relating to the practice of court reporting.
   (b) Charge and collect a reasonable fee from persons who attend such a program.

2. The Board shall not refuse to renew or restore the [certificate]:
   (a) **Certificate** of a **certified** court reporter who does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board [x]; or
   (b) **License** of a licensee whose designated representative does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board.

Sec. 19. NRS 656.220 is hereby amended to read as follows:

656.220 1. The fees required by this chapter are fixed by the following schedule:
The fee for filing an application for an examination must be fixed by the Board annually at not more than $250 and not less than $90.

The fee for the original issuance of a certificate must be fixed by the Board annually at not more than $250 and not less than $150.

For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.

The annual renewal fee for a certificate must be fixed by the Board annually at not more than $250 and not less than $150. Every holder of a certificate desiring renewal must pay the annual renewal fee to the Board on or before May 15 of each year.

For the renewal of a certificate which was suspended for failure to renew, the fee is an amount equal to all unpaid renewal fees accrued plus a reinstatement fee that must be fixed by the Board annually at not more than $125 and not less than $75.

The fee for the original issuance of a temporary certificate of registration is $100.

The fee for the annual renewal of a temporary certificate of registration is $100.

The fee for the original issuance of a license as a court reporting firm is $250.

The fee for the annual renewal of a license as a court reporting firm is $175.

The fee for the reinstatement of a license as a court reporting firm is $175.

In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

Sec. 20. NRS 656.240 is hereby amended to read as follows:

656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate or license for any one or a combination of the following causes:

1. If the applicant, certified court reporter or licensee has by false representation obtained or sought to obtain a certificate or license for himself, herself or itself or any other natural person or business entity.

2. If the applicant, certified court reporter or designated representative of a court reporting firm has been found in contempt of court, arising out of the conduct of the applicant, court reporter or
designated representative in performing or attempting to perform any act as a certified court reporter.

3. If the applicant certified court reporter or designated representative of a court reporting firm has been convicted of a crime related to the qualifications, functions and responsibilities of a certified court reporter or licensee.

4. If the applicant certified court reporter or designated representative of a court reporting firm has been convicted of any offense involving moral turpitude.

The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.

Sec. 21. NRS 656.250 is hereby amended to read as follows:

656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate or license if the certified court reporter, including a designated representative of a court reporting firm if he or she holds a certificate, in performing or attempting to perform or pretending to perform any act as a certified court reporter has:

1. Willfully failed to take full and accurate stenographic notes of any proceedings;
2. Willfully altered any stenographic notes taken at any proceedings;
3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;
4. Willfully altered a transcript of stenographic notes taken at any proceedings;
5. Affixed his or her signature to any transcript of his or her stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by the certified court reporter or was prepared under the certified court reporter’s immediate supervision;
6. Demonstrated unworthiness or incompetency to act as a certified court reporter in such a manner as to safeguard the interests of the public;
7. Professionally associated with or loaned his or her name to another for the illegal practice by another of court reporting, or professionally associated with any natural person firm, partnership or corporation] or business holding itself out in any manner contrary to the provisions of this chapter;
8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;
9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;
10. Violated any regulation adopted by the Board relating to:
(a) Unprofessional conduct;
(b) Agreements for the provision of ongoing services as a certified court reporter or ongoing services which relate to the practice of court reporting;
(c) The avoidance of a conflict of interest; or
(d) The performance of the practice of court reporting in a uniform, fair and impartial manner and avoiding the appearance of impropriety;

11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or

12. Failed without excuse to transcribe stenographic notes of a proceeding and file or deliver to an ordering party a transcript of the stenographic notes:

(a) Within the time required by law or agreed to by verbal or written contract;

(b) Within a reasonable time required for filing the transcript; or

(c) Within a reasonable time required for delivery of the transcript.

Sec. 22. NRS 656.253 is hereby amended to read as follows:

656.253 The Board may refuse to issue or renew or may suspend or revoke a certificate or license if, after notice and a hearing as required by law, the Board determines that the certified court reporter or licensee [or certificate holder] has committed any of the acts set forth in NRS 656.240 or 656.250.

Sec. 23. NRS 656.255 is hereby amended to read as follows:

656.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a license or certificate issued pursuant to this chapter, the Board shall deem the license or certificate issued to that natural person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or certificate issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose license or certificate was suspended stating that the natural person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 656.257 is hereby amended to read as follows:

656.257 In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a certified court reporter or the license of a court reporting firm pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:

1. Place the certified court reporter or court reporting firm licensee on probation for a period not to exceed 1 year; or
2. Impose an administrative fine against the certified court reporter or court reporting firm in an amount not to exceed $5,000 for each violation for which the administrative fine is imposed.

2. Any penalty imposed pursuant to this section must be imposed by the Board at a hearing conducted pursuant to chapter 622A of NRS [licensee as provided in NRS 656.360].

Sec. 25. NRS 656.260 is hereby amended to read as follows:

656.260 1. A [holder of a license or certificate] licensee or certified court reporter shall notify the Chair or Executive Secretary of the Board in writing within 30 days after [changing his or her] a change in name or address.

2. [Any change of ownership] A licensee shall report any change of:

(a) Ownership or corporate officers of a court reporting firm [of the]; and

(b) The designated representative of the court reporting firm must be reported to the Chair or Executive Secretary within 30 days after the change.

3. The Board may suspend or revoke a license or certificate if the [holder thereof] licensee or certified court reporter fails so to notify the Board.

Sec. 26. NRS 656.270 is hereby amended to read as follows:

656.270 The entry of a decree by a court of competent jurisdiction establishing the mental illness of any natural person [holding a license or certificate] who is a certified court reporter or a designated representative of a court reporting firm licensed under this chapter operates as a suspension of the [license or] certificate [or license. Such a natural person may resume his or her business or practice only upon a finding by the Board that the [holder of the license or certificate] natural person has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Board’s recommendation that the [holder] certified court reporter or licensee be permitted to resume his or her business or practice.

Sec. 27. NRS 656.280 is hereby amended to read as follows:

656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any natural person or business entity setting forth facts which if proven would constitute grounds for refusal, suspension or revocation of a certificate or license or other disciplinary action as set forth in NRS 656.240 to 656.300, inclusive, investigate the actions of a current or former [certificate holder] certified court reporter or licensee, including a [firm or any other] natural person who [applies for, holds or represents that he or she or the] business entity holds a license or certificate.

2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.
3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.

4. The Board may continue the hearing from time to time.

**Sec. 28.** NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any **natural person or business entity** in this State and take testimony orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in courts of this State.

2. Any district court, upon the application of the accused or complainant or of the Board may, by order, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license or certificate, and the court may compel obedience to its order by proceedings for contempt.

3. At any time after the suspension of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board.

4. In a manner consistent with the provisions of chapter 622A of NRS, after the revocation of any license or certificate, the Board may reinstate the license or certificate without examination upon unanimous vote by the Board.

**Sec. 29.** NRS 656.300 is hereby amended to read as follows:

656.300 1. [The practice of court reporting by any] **A natural person** who has not been issued a certificate [including a temporary certificate of registration] or whose certificate has been suspended or revoked [or conducting a] shall not engage in the practice of court reporting.

2. **A business entity that has not been issued a license or whose license has been suspended or revoked shall not conduct** business as a court reporting firm [without first obtaining a license therefor or with a suspended or revoked license, is hereby declared to be inimical to public health and welfare and to constitute a public nuisance. The Attorney General of the State of Nevada, the district attorney of any county in the State or any resident may maintain an action in the name of the State of Nevada perpetually to enjoin any person from so unlawfully practicing court reporting, or unlawfully conducting business as a court reporting firm, and from doing, committing or continuing such an unlawful act.

2. In all proceedings under this section, the court may apportion the costs among the parties interested in the suit, including the costs of filing the complaint, service of process, witness fees and expenses, charges for a court reporter and reasonable attorney’s fees.

3. The proceeding authorized by this section is in addition to and not in lieu of criminal prosecutions or proceedings to revoke or suspend licenses or certificates as authorized by this chapter.]
3. In addition to any other penalty prescribed by law, if the Board determines that a natural person or business entity has committed any act described in this section or NRS 656.145 or 645.185, the Board may:
   (a) Issue and serve on the natural person or business entity an order to cease and desist until the natural person or business entity obtains from the Board the proper certificate or license or otherwise demonstrates that the natural person or business entity is no longer in violation of this section. An order to cease and desist must include a telephone number with which to contact the Board.
   (b) Issue a citation to a natural person or business entity. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the natural person or business entity of the provisions of this paragraph. Each activity in which the natural person or business entity is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the natural person or business entity must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.
   (c) Assess against the natural person or business entity an administrative fine as provided in NRS 656.360.
   (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 30. NRS 656.310 is hereby amended to read as follows:
656.310 1. Except as otherwise provided in subsection 2, each natural person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter:
   (a) Must be designated as a certified court reporter;
   (b) May, in connection with his or her practice of court reporting, use the abbreviation “C.C.R.”; and
   (c) Shall not, in connection with his or her practice of court reporting, use the abbreviation “C.C.R.-V.”
2. Each natural person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.160 through the use of voice writing:
   (a) Must be designated as a certified court reporter-voice writer;
   (b) May, in connection with his or her practice of court reporting, use the abbreviation “C.C.R.-V.”;
   (c) Shall not, in connection with his or her practice of court reporting, use the abbreviation “C.C.R.”; and
   (d) Shall engage in the practice of court reporting only through the use of voice writing.
3. No natural person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of “certified
court reporter,” “certified court reporter-voice writer,” “C.C.R.” or “C.C.R.-V.,” either directly or indirectly, in connection with his or her profession or business.

4. Every [holder of a certificate] certified court reporter shall place the number of the certificate:
   (a) On the cover page and certificate page of all transcripts of proceedings; and
   (b) On all business cards.

Sec. 31. NRS 656.315 is hereby amended to read as follows:
656.315 A certified court reporter may administer oaths and affirmations without being appointed as a notary public pursuant to chapter 240 of NRS.

Sec. 32. (Deleted by amendment.)

Sec. 33. NRS 656.330 is hereby amended to read as follows:
656.330 No action or suit may be instituted, nor recovery therein be had, in any court of this state by any natural person or business entity for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this chapter.

Sec. 34. NRS 656.335 is hereby amended to read as follows:
656.335 A certified court reporter shall retain his or her notes, whether or not transcribed, for 8 years if they concern any matter subject to judicial review. These notes must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.

Sec. 35. NRS 656.360 is hereby amended to read as follows:
656.360 In addition to any other penalty provided by law, the Board may, after notice and a hearing, as required by law, impose upon a natural person or business entity who violates any provision of this chapter or any regulation adopted by the Board a civil penalty pursuant thereto an administrative fine of not more than $5,000 for each violation. Any such penalty must be imposed by the Board:
   1. If the person is a certified court reporter or court reporting firm, at a hearing conducted pursuant to the provisions of chapter 622A of NRS.
   2. If the person is not a licensee, at a hearing for which written notice has been given not less than 30 days before the hearing for which the administrative fine is imposed.

Sec. 36. This act becomes effective:
1. Upon passage and approval for the purpose of adopting regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On January 1, 2018, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.
Senate Bill No. 407.
Bill read third time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 776.
AN ACT relating to energy; creating the Nevada Clean Energy Fund; creating the Board of Directors of the Fund to administer the Fund; setting forth the duties and powers of the Board; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
This bill establishes the Nevada Clean Energy Fund to provide funding for and increase significantly the pace and amount of financing available for qualified clean energy projects in this State. Section 14 of this bill creates the Board of Directors of the Fund, whose responsibility it is to carry out the provisions of this bill. Section 16 of this bill sets forth certain duties of the Board relative to the responsibility of the Board to carry out the provisions of this bill.

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

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.5 to 42, inclusive, of this act.
Sec. 1.5. The Legislature hereby finds and declares that it is in the interest of this State to establish and support in this State an independent corporation for public benefit, the Nevada Clean Energy Fund, for the purposes of:
1. Promoting investments in qualified clean energy projects;
2. Increasing significantly the pace and amount of investments in qualified clean energy projects at the state and local levels;
3. Improving the standard of living of the residents of this State by promoting the more efficient and lower cost development of qualified clean energy projects and providing financing for qualified clean energy projects that will create high-paying, long-term jobs;
4. Fostering the development and consistent application of transparent underwriting standards, standard contractual terms, and measurement and verification protocols for qualified clean energy projects;
5. Promoting the creation of performance data that enables effective underwriting, risk management and pro forma modeling of financial performance of qualified clean energy projects to support primary financing markets and to stimulate the development of secondary investment markets for qualified clean energy projects; and
6. Achieving a level of financing support for qualified clean energy projects necessary to help abate climate change by increasing zero- or low-carbon electricity generation and transportation capabilities, realize energy
efficiency potential in existing infrastructure, ease the economic effects of transitioning from a carbon-based economy to a clean-energy economy, achieve job creation through the construction and operation of qualified clean energy projects and complement and supplement other clean energy and energy efficiency programs and initiatives in this State.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 13.6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.5. “Alternative fuel vehicle project” means any project, technology, product, service, function or measure, or an aggregation thereof, which supports the development and deployment of alternative fuels used for electricity generation, alternative fuel vehicles and related infrastructure, including, without limitation, infrastructure for electric vehicle charging stations. The term does not include any technology that involves the combustion of fossil fuels, including, without limitation, petroleum and petroleum products.

Sec. 3. “Board” means the Board of Directors of the Nevada Clean Energy Fund.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. “Demand response project” means any project, technology, product, service, function or measure, or an aggregation thereof, that changes the usage of electricity by retail customers in this State from the normal consumption patterns in response to:

1. Changes in the price of electricity over time; or
2. Incentive payments designed to induce lower electricity use at times of high market prices or when system reliability is jeopardized.

Sec. 7. “Energy efficiency project” means any project, technology, product, service, function or measure, or an aggregation thereof, that:

1. Results in the reduction of energy use required to achieve the same level of service or output obtained before the application of such project, technology, product, service, function or measure, or aggregation thereof; or
2. Substantially reduces greenhouse gas emissions relative to emissions that would have produced before the application of such project, technology, product, service, function or measure, or aggregation thereof.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. “Nevada Clean Energy Fund” or “Fund” means the independent, nonprofit corporation established pursuant to section 13.8 of this act to provide money to promote investments in and increase
significantly the pace and amount of investment in qualified clean energy projects in this State and to carry out the provisions of this chapter.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. “Qualified clean energy project” means any alternative fuel vehicle project, demand response project, energy efficiency project, renewable energy project or system efficiency project.

Sec. 13. (Deleted by amendment.)

Sec. 13.2. “Renewable energy” means energy produced by:
1. Solar resources;
2. Wind resources;
3. Geothermal resources;
4. Nonhazardous, organic biomass;
5. Anaerobic digestion of organic waste streams;
6. Small-scale, advanced hydropower;
7. Tidal currents;
8. Fuel cells using renewable resources; and
9. Any other source that naturally replenishes over a human, rather than geological, time frame and that is ultimately derived from solar, water or wind resources.

Sec. 13.4. “Renewable energy project” means the development, construction, deployment, alteration or repair of any project, technology, product, service, function or measure, or an aggregation thereof, that generates electric power from renewable energy.

Sec. 13.6. “System efficiency project” means the development, construction, deployment, alteration or repair of any distributed generation system, energy storage system, smart grid technology, advanced battery system, microgrid system, fuel cell system or combined heat and power systems.

Sec. 13.8. The Director of the Office of Energy shall cause to be formed in this State an independent, nonprofit corporation recognized as exempt from federal income taxation for the public benefit named the “Nevada Clean Energy Fund,” the general purpose of which is to carry out the provisions of this chapter.

Sec. 14. 1. There is hereby created the Board of Directors of the Nevada Clean Energy Fund, consisting of the following nine members:
(a) The Director of the Office of Energy;
(b) The Executive Director of the Office of Economic Development or his or her designee;
(c) The Real Estate Administrator of the Department of Business and Industry or his or her designee;
(d) The Commissioner of Financial Institutions or his or her designee;
(e) One member appointed by the Governor from among a list of nominees submitted by the State Contractors’ Board;
(f) One member appointed by the Governor from among a list of nominees submitted by labor organizations in this State;
(g) One member appointed by the Governor from among a list of
nominees submitted by the board of county commissioners of the county in
this State with the largest population;
(h) One member appointed by the Governor from among a list of
nominees submitted by the board of county commissioners of the county in
this State with the second largest population; and
(i) One member appointed by the Governor from among a list of
nominees submitted by the boards of county commissioners of the counties
in this State not described in paragraph (g) or (h).
2. The members appointed to the Board pursuant to paragraphs (e) to
(i), inclusive, of subsection 1 should have expertise in matters relating to
renewable energy, economic development, banking, law, finance or other
matters relevant to the work of the Board. When appointing a member to
the Board, consideration must be given to whether the members appointed
to the Board reflect the ethnic and geographical diversity of this State.
3. The term of each member of the Board appointed pursuant to
paragraphs (e) to (i), inclusive, of subsection 1 is 3 years. A member may
be reappointed for additional terms of 3 years in the same manner as the
original appointment. A vacancy occurring in the membership of the Board
must be filled in the same manner as the original appointment.
4. The Board shall annually elect a Chair from among its members.
5. The Board shall meet regularly at least semiannually and may meet
at other times upon the call of the Chair. Any five members of the
Committee constitute a quorum for the purpose of voting. A majority vote
of the quorum is required to take action with respect to any matter.
6. The Board shall adopt rules for its own management and
government.
7. While engaged in the business of the Board, each member of the
Board is entitled to receive the per diem allowance and travel expenses
provided for state officers and employees generally.
Sec. 15. (Deleted by amendment.)
Sec. 16. 1. To carry out the provisions of this chapter, the Board
shall:
(a) Annually develop and adopt a work program to serve and support the
deployment of qualified clean energy projects in this State, including,
without limitation, projects benefitting single-family and multi-family
residential property, commercial, industrial, educational and governmental
property and hospitals and nonprofit property and any other projects which
advance the purposes of this chapter;
(b) Develop rules, policies and procedures which specify the eligibility of
borrowers and any other terms or conditions of the financial support to be
provided by the Nevada Clean Energy Fund before financing support is
provided for any qualified clean energy project;
(c) Develop and offer a range of financing structures, forms and
techniques for qualified clean energy projects, including, without
limitation, [senior] loans, [subordinate loans], credit enhancements, guarantees, warehousing, securitization, and other financial products and structures;
(d) Leverage private investment in qualified clean energy projects through financing mechanisms that support, enhance and complement private investment;
(e) Develop consumer protection standards to be enforced on all investments to ensure the Nevada Clean Energy Fund and its partners are lending in a responsible and transparent manner that is in the financial interests of the borrowers;
(f) Assess reasonable fees for the financing support and risk management activities provided by the Nevada Clean Energy Fund in amounts sufficient to cover the reasonable costs of the Fund;
(g) Collect and make available to the public in a centralized database on an Internet website maintained by the Nevada Clean Energy Fund information regarding rates, terms and conditions of all financing support transactions, unless the disclosure of such information includes a trade secret, confidential commercial information or confidential financial information;
(h) Work with market and program participants to provide information regarding best practices for overseeing qualified clean energy projects and information regarding other appropriate consumer protections;
(i) Prepare an annual report for the public on the financing activities of the Nevada Clean Energy Fund; and
(j) Undertake such other activities as are necessary to carry out the provisions of this chapter.

2. In addition to any money available through gifts, grants, donations or legislative appropriation to carry out the purposes of this chapter, the Board shall identify any other sources of money which may, in the opinion of the Board, be used to provide money for the Fund.

3. The Fund may:
(a) Sue and be sued.
(b) Have a seal.
(c) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.
(d) Prepare and enter into agreements with the Federal Government for the acceptance of grants of money for the purposes of this chapter.
(e) Enter into agreements or cooperate with third parties to provide for enhanced leveraging of money of the Fund, additional financing mechanisms or any other program or combination of programs for the purpose of expanding the scope of financial assistance available from the Fund.
(f) Bind the Fund and the Board to terms of any agreements entered into pursuant to this chapter.
(g) Apply for and accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this chapter.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. Notwithstanding the provisions of section 14 of this act, as soon as practicable on or after July 1, 2017, the Governor shall appoint the members of the Board of Directors of the Nevada Clean Energy Fund identified in:

1. Paragraphs (e), (g) and (i) of subsection 1 of section 14 of this act to initial terms of 2 years; and

2. Paragraphs (f) and (h) of subsection 1 of section 14 of this act to initial terms of 3 years.

Sec. 44. This act becomes effective:

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

2. On July 1, 2017, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 409.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 885.

AN ACT relating to animals; revising provisions which prohibit a person from allowing a pet to remain unattended in a motor vehicle under certain circumstances; requiring an animal control officer to take possession of and provide shelter and care for an animal being treated cruelly under certain circumstances; authorizing an animal control officer to take possession of any animals or other property used in fights among animals under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law prohibits a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the animal. Exceptions are provided for certain animals used by or in the possession of certain law enforcement, animal control or search and rescue personnel or certain persons who are actively engaged in hunting or related activities. Certain peace officers, animal control personnel and other public safety personnel are authorized to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. A person who violates that prohibition is guilty of a misdemeanor. A cat or dog removed from a motor vehicle under these circumstances is deemed an animal being treated cruelly, and the law enforcement officer or other person rendering emergency services who removed the cat or dog is extended the same immunity from liability for his or her actions that is conferred upon law enforcement or animal control personnel who are required to seize animals which are being treated cruelly. (NRS 574.055, 574.195)

A similar existing law prohibits a parent, legal guardian or other person responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving that child in a motor vehicle if: (1) the conditions present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys are in the ignition. Exceptions are provided if: (1) the child is being supervised by and within the sight of a person who is at least 12 years of age; or (2) the person responsible for the child unintentionally locks a motor vehicle with the child in the vehicle. A person who violates that prohibition is guilty of a misdemeanor. A law enforcement officer or other person rendering emergency services may, without incurring civil liability, use any reasonable
means necessary to protect the child and to remove the child from the motor vehicle. (NRS 202.575)

Section 5 of this bill repeals the provisions of existing law which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle. Section 3 of this bill reenacts those provisions to apply to a pet with certain revisions based upon the provisions of existing law related to leaving a child unattended in a motor vehicle, excepting the provision regarding leaving a cat or dog in the motor vehicle with the motor running. Section 3 also provides that certain persons are authorized, without incurring civil liability, to use any reasonable means necessary to protect the cat or dog and to remove the cat or dog from the motor vehicle. Section 2 of this bill adds a definition of the term “motor vehicle” to chapter 202 of NRS to apply to both the new section added by section 3 of this bill and the similar existing law that applies to children. Section 4 of this bill amends the existing law that applies to children to remove the definition made superfluous by section 2.

Existing law requires any peace officers and officers of a society for the prevention of cruelty to animals who are authorized to make arrests to take possession of animals being treated cruelly. (NRS 574.055) Section 4.3 of this bill requires animal control officers to take such possession, and removes that requirement for officers of a society for the prevention of cruelty to animals who are authorized to make arrests. Existing law also authorizes peace officers authorized to make arrests to take possession of any animals or other property being used in fights among animals under certain circumstances. (NRS 574.080) Section 4.7 of this bill extends that authority to animal control officers.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. As used in NRS 202.575 and section 3 of this act, unless the context otherwise requires, “motor vehicle” means every vehicle which is self-propelled but not operated upon rails.

Sec. 3. 1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the cat or dog.

2. Any:
   (a) Peace officer;
   (b) Animal control officer;
   (c) Governmental officer or employee whose primary duty is to ensure public safety;
   (d) Employee or volunteer of any organized fire department; or
(e) Member of a search and rescue organization in this State that is
under the direct supervision of a sheriff,
who reasonably believes that a violation of this section has occurred
may, without incurring civil liability, use any reasonable means necessary
to protect the [cat or dog] pet and to remove the [cat or dog] pet from the
motor vehicle.
3. The provisions of subsection 1 do not apply to:
(a) A police animal or an animal that is used by:
(1) A federal law enforcement agency to assist the agency in carrying
out the duties of the agency; or
(2) A search and rescue organization in this State that is under the
direction of a sheriff to assist the organization in carrying out the activities
of the organization; or
(b) A dog that is under the possession or control of:
(1) An animal control officer; or
(2) A first responder during an emergency.
4. A [cat or dog] pet that is removed from a motor vehicle pursuant to
subsection 2 shall be deemed to be an animal being treated cruelly for the
purposes of NRS 574.055. A person required by NRS 574.055 to take
possession of a [cat or dog] pet removed pursuant to this section may take
any action relating to the [cat or dog] pet specified in NRS 574.055 and is
entitled to any lien or immunity from liability that is applicable pursuant to
that section.
5. The provisions of this section do not:
(a) Interfere with or prohibit any activity, law or right specified in NRS
574.200; or
(b) Apply to a person who unintentionally locks a motor vehicle with a
[cat or dog] pet in the motor vehicle.
6. A person who violates a provision of subsection 1 is guilty of a
misdemeanor.
7. As used in this section:
(a) “Animal” has the meaning ascribed to it in NRS 574.050.
(b) “First responder” has the meaning ascribed to it in NRS 574.050.
(c) “Pet” means a domesticated animal owned or possessed by a person
for the purpose of pleasure or companionship and includes, without
limitation, a cat or dog.
(d) “Police animal” has the meaning ascribed to it in NRS 574.050.
Sec. 4. NRS 202.575 is hereby amended to read as follows:
202.575 1. A parent, legal guardian or other person responsible for
a child who is 7 years of age or younger shall not knowingly and intentionally
leave that child in a motor vehicle if:
(a) The conditions present a significant risk to the health and safety of the
child; or
(b) The engine of the motor vehicle is running or the keys to the vehicle
are in the ignition,
unless the child is being supervised by and within the sight of a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that the person has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.

4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.

5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

Sec. 4.3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or animal control officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely
destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff’s designee, a licensed veterinarian and the district brand inspector or the district brand inspector’s designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner’s custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal’s food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 4.7. NRS 574.080 is hereby amended to read as follows:

574.080 1. Any peace officer or animal control officer authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.

2. The officer shall state to the person in charge thereof, at the time of such taking, his or her name and residence, and also the time and place at which the application provided for by NRS 574.090 will be made.

Sec. 5. NRS 574.195 is hereby repealed.

Sec. 6. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

574.195 Allowing cat or dog to remain unattended in motor vehicle during period of extreme heat or cold unlawful; removal of animal; exceptions; immunity from liability; penalty.

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;
(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;
(c) Animal control officer;
(d) Governmental officer or employee whose primary duty is to ensure public safety;
(e) Employee or volunteer of any organized fire department; or
(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,
may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:
(a) A police animal or an animal that is used by:
(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or
(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization;
(b) A dog that is under the possession or control of:
(1) An animal control officer; or
(2) A first responder during an emergency;
(c) A dog that is under the possession or control of a person who:
(1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;
(2) Is using the dog for the purpose set forth in subparagraph (1); and
(3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or
(d) A dog that is participating in:
(1) Training exercises relating to hunting; or
(2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 432.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 886.

AN ACT relating to public welfare; authorizing the filing of a motion for
the termination of parental rights as part of a proceeding relating to the abuse
or neglect of a child; establishing provisions concerning the process for the
termination of parental rights following the filing of such a motion; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes procedures governing the termination of parental
rights. (Chapter 128 of NRS) Existing law also establishes procedures
governing the protection of children from abuse and neglect. (Chapter 432B
of NRS) Section 2 of this bill provides that if a juvenile court determines that
a child is in need of protection, an agency which provides child welfare
services is authorized to file a motion for the termination of parental rights as
part of the proceeding concerning the abuse or neglect of the child. (Section 2
also requires an agency which provides child welfare services to file such a
motion if a child has been placed outside of his or her home for a period of
not less than 12 months.) Sections 2 and 10 of this bill provide that the
provisions of existing law governing the termination of parental rights apply
to all proceedings concerning the termination of parental rights that are
commenced by an agency which provides child welfare services, but only to
the extent they do not conflict with the provisions established in this bill.

Section 3 of this bill establishes provisions concerning notice of the
hearing on the motion for the termination of parental rights and requires the
court to ensure that any prospective adoptive parent is provided a copy of the
notice. Section 3 also provides that the name and address of a prospective
adoptive parent generally must be kept confidential. Section 4 of this bill
authorizes a party who has been informed of the allegations set forth in the
motion to contest such allegations and request an evidentiary hearing or
voluntarily relinquish his or her parental rights. Section 5 of this bill
authorizes the court to order the parties to the proceeding, any prospective
adoptive parent and a representative from an agency which provides child
welfare services to participate in mediation for the purpose of negotiating the
terms of an open adoption agreement.

Section 6 of this bill authorizes a court to permit a witness or party to the proceeding to
testify by telephone or videoconference in certain circumstances during
an evidentiary hearing on a motion for the termination of parental rights.
Section 7 of this bill requires the court to use its best efforts to ensure that a
final written decision on such a motion is rendered not later than 30 days
after the conclusion of the evidentiary hearing, and section 8 of this bill
requires the appellate court of competent jurisdiction to use its best efforts to
ensure that any appeal is resolved not later than 6 months after the appeal is
filed or, if the court orders full briefings on the matter, not later than 12
months after the appeal is filed. Section 9 of this bill requires that a petition
for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. The provisions of chapter 128 of NRS, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to this section by an agency which provides child welfare services.

2. [Except as otherwise provided in subsection 3, if] If a child is determined to be a child in need of protection pursuant to NRS 432B.550, an agency which provides child welfare services may, at any stage of a proceeding held pursuant to this chapter, file a motion for the termination of parental rights as part of the proceeding.

3. If a child has been placed outside of his or her home pursuant to this chapter for a period of not less than 12 months, an agency which provides child welfare services shall file a motion for the termination of parental rights as part of a proceeding held pursuant to this chapter.

Sec. 3. 1. After a motion for the termination of parental rights is filed pursuant to section 2 of this act, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 3, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.
4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:
   (a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;
   (b) If applicable, each Indian tribe of the child who is the subject of the motion, in accordance with NRS 128.023; and
   (c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.
5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.
6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in section 5 of this act or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.
7. Any party to the proceeding may file a written response to the motion.

Sec. 4. 1. At the time stated in the notice of the hearing, or at the earliest time thereafter to which the hearing may be postponed, the parties to the proceeding shall, except as otherwise provided in this subsection, appear in person before the court and must be informed of the specific allegations set forth in the motion for the termination of parental rights. The court may allow a party to participate in the proceeding by telephone or videoconference if he or she is unable to appear in person because he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.
2. After a party has been informed of the allegations set forth in the motion, he or she may:
   (a) Contest such allegations and request an evidentiary hearing, in which case an evidentiary hearing must be scheduled; or
   (b) Voluntarily relinquish his or her parental rights with or without the possibility of an open adoption agreement established through mediation pursuant to section 5 of this act, in which case a hearing must be scheduled for the purpose of confirming such voluntary relinquishment.
3. If an evidentiary hearing is scheduled pursuant to paragraph (a) of subsection 2, the court may also order a party to the proceeding to participate in mediation pursuant to section 5 of this act.
4. If a party to the proceeding does not appear at the time stated in the notice and the court determines that he or she was given proper notice pursuant to section 3 of this act, the court may proceed to hear evidence and render its decision or postpone hearing any evidence until an evidentiary hearing is conducted concerning any other party to the proceeding.
5. If the court postpones hearing evidence pursuant to subsection 4, further notice to the absent party is required unless the court, in its discretion, considering the facts and circumstances of the case, determines that no additional notice to the absent party is required.

Sec. 5. 1. The court may, upon its own motion or the motion of a party to the proceeding, order the parties, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

2. A party to the proceeding may make a motion for mediation at any time after the commencement of a proceeding for the termination of parental rights but not less than 5 judicial days before a scheduled evidentiary hearing.

3. Persons ordered to participate in mediation pursuant to subsection 1 shall complete such mediation not later than 60 calendar days after the court issues the order for mediation.

4. If the persons ordered to participate in mediation agree to the terms of an open adoption, the terms must be set forth in a written agreement at the time of mediation.

Sec. 6. 1. During an evidentiary hearing, any oral or written reports or information contained in a report filed pursuant to this chapter that are received by the court may be relied upon to the extent of the probative value thereof. The court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

2. At the request of a party to the proceeding, the court may permit a witness to testify by telephone or videoconference if the court determines that it is able to adequately assess witness credibility. Except as otherwise permitted by the court, a party to the proceeding may not testify by telephone or videoconference unless he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.

Sec. 7. The court shall use its best efforts to ensure that a final written decision on a motion for the termination of parental rights which includes detailed findings of fact is rendered not later than 30 days after the conclusion of the evidentiary hearing. Such a decision may be rendered orally in court before being set forth in a written order. The order of the court must include a notice of the right of a party to appeal the decision of the court. The order granting or denying a motion for the termination of parental rights is a final order of the court and the parties have the right to appeal the decision of the court in accordance with chapter 128 of NRS.

Sec. 8. Except as otherwise provided in this section, if a party appeals the decision of the court pursuant to section 7 of this act, the appellate court of competent jurisdiction shall use its best efforts to ensure that the matter is resolved not later than 6 months after the appeal is filed. If the
appellate court orders full briefings on the matter, it shall use its best
efforts to ensure that the matter is resolved not later than 12 months after
the appeal is filed.

Sec. 9. If a person seeks to restore the parental rights of a natural
parent or parents pursuant to NRS 128.170 to 128.190, inclusive, and the
child whose natural parent or parents have had their parental rights
terminated or have relinquished their parental rights is subject to the
jurisdiction of the juvenile court pursuant to this chapter, the petition for
the restoration of parental rights must be filed as part of a proceeding held
pursuant to this chapter.

Sec. 10. Chapter 128 of NRS is hereby amended by adding thereto a
new section to read as follows:

The provisions of this chapter, to the extent they do not conflict with the
provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings
concerning the termination of parental rights that are commenced
pursuant to section 2 of this act by an agency which provides child welfare
services.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS
1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 6E.516,
75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653,
119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312,
130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625,
176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495,
179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095,
200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,
211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095,
284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830,
293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061,
332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725,
338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085,
353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,
379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
and section 3 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.
2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 12. This act becomes effective on January 1, 2018.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 433.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 790.

AN ACT relating to guardianships; replacing the term “ward” with the term “protected person”; establishing provisions relating to the right of a protected person to communicate, visit or interact with certain persons; establishing provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain persons; establishing provisions relating to guardians of the person; establishing provisions concerning sanctions that may be imposed upon and actions that may be taken against a guardian; revising provisions relating to the appointment of a guardian ad litem to represent a protected person; revising provisions relating to the appointment of counsel to represent a proposed protected person; removing the requirement that certain persons must inform a proposed protected person of his or her right to counsel; revising provisions relating to certain reports and accounts filed with the court by a guardian of the person and a guardian of the estate; revising the circumstances in which a court is authorized to remove a guardian; reducing the filing fee for a petition for a guardianship; prohibiting the charging or collecting of any other fee for the filing of such a petition; requiring a county recorder to charge and collect a
fee for the recording of certain documents to be used for certain specified purposes; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law defines the term “ward” for purposes of the provisions of law governing guardianships as any person for whom a guardian has been appointed. (NRS 159.027) **Section 20** of this bill replaces the term “ward” with the term “protected person.”

**Sections 4-11** of this bill establish provisions relating to the right of a protected person to communicate, visit or interact with his or her parent, child or sibling or a person of natural affection, which **section 3** of this bill defines as a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members. **Section 5** generally prohibits a guardian from restricting the right of a protected person to communicate, visit or interact with such persons except in certain circumstances.

**Section 6** authorizes a guardian to petition a court to issue an order restricting the ability of a parent, child or sibling of a protected person or a person of natural affection to communicate, visit or interact with a protected person for good cause. **Section 6** requires a court to consider certain factors when determining whether to issue such an order and requires a guardian to provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with any such person or opposition by the protected person to any communication, visitation or interaction with any such person if the protected person is unable to communicate verbally. **Section 7** requires a court to consider imposing certain restrictions on communication, visitation or interaction between a protected person and any such person in a certain order of preference.

**Section 8** authorizes any person who reasonably believes a guardian has violated a court order or committed an abuse of discretion in determining a protected person’s consent to or refusal of restricting communication, visitation or interaction [with] **between a protected person and** his or her parent, child or sibling or a person of natural affection to petition the court to take certain action.

**Section 9** requires the court to schedule a hearing on a petition filed by a guardian or person pursuant to **section 6 or 8**, respectively, not later than 63 days after the date the petition is filed. **Section 9** also requires the court to conduct an emergency hearing as soon as practicable, but not later than 7 days after the date the petition is filed, if the petition states that the health of the protected person is in significant decline or the death of the protected person might be imminent.

**Section 10** establishes provisions concerning who has the burden of proof in a proceeding held pursuant to **sections 4-11**, and **section 11** sets forth certain sanctions.
Sections 12 and 13 of this bill establish provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain interested persons. Section 12 generally requires a guardian to file with the court a notice of his or her intent to move a protected person and to serve notice upon such interested persons not less than 10 days before moving the protected person. If an objection to the move is not received from any interested person within 10 days after receiving the notice, the guardian is authorized to move the protected person without court permission. Section 12 further provides that if an emergency condition exists, the guardian is authorized to take any temporary action needed without court permission and is required to file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action. Section 26 of this bill revises provisions of existing law governing the authority of a guardian of the person to establish or change the residence of a protected person to conform with the provisions of section 12.

Section 13 requires a guardian to notify immediately all interested persons and persons of natural affection: (1) if the guardian believes, based on information from certain qualified persons, that the death of the protected person is likely to occur within the next 30 days; (2) upon the death of the protected person; and (3) upon obtaining any information relating to the burial or cremation of the protected person. If the guardian is providing notification of the death of the protected person, the guardian is required to provide such notification in a certain manner pursuant to section 13.

Section 12 also: (1) provides that any notification given by a guardian relating to moving a protected person or the death or impending death of a protected person must include the current location of the protected person unless an order of protection has been issued against an interested person or a person of natural affection on behalf of the protected person; and (2) establishes the circumstances in which a guardian is not required to provide notification to an interested person or person of natural affection.

Section 14 of this bill authorizes a guardian of the person to take certain actions if a guardian of the estate has not been appointed and provides that if a guardian of the estate has been appointed, a guardian of the person may receive reasonable sums for any room and board furnished to a protected person if the guardian presents a claim to the guardian of the estate.

Section 17 of this bill authorizes a court to take certain action if a guardian violates any right of a protected person and to impose twice the actual damages incurred by the protected person and attorney’s fees and costs if any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice.

Existing law authorizes a court to appoint a person to represent a ward or proposed ward as a guardian ad litem. (NRS 159.0455) Section 22 of this bill revises provisions relating to such an appointment and authorizes a court to appoint a volunteer person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved
volunteer advocate program for guardians ad litem is established in the judicial district.

Existing law provides that if an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding, the court is required to appoint an attorney who works for legal aid services or a private attorney to represent the adult ward or proposed adult ward. (NRS 159.0485) Section 23 of this bill provides that upon the filing of a petition for the appointment of a guardian for a proposed protected person who is an adult, the court is required to appoint an attorney to represent the proposed protected person unless the proposed protected person wishes to retain or has already retained an attorney. The court is required to appoint an attorney who works for an organization operating a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults if the county in which the proposed protected person lives has such a program that is able to accept the case. If the county in which the proposed protected person resides does not have such a program or the program is unable to accept the case, the court is required to determine whether the proposed protected person has the ability to pay the reasonable compensation and expenses of an attorney from his or her estate and, if so, order an attorney to represent the proposed protected person and require the compensation and expenses of the attorney to be paid from the estate. If the proposed protected person does not have the ability to pay, the court is authorized to use money set aside for the purpose of assisting such proposed protected persons to pay for an attorney to represent the proposed protected person.

Existing law requires a proposed ward who is found in this State to attend the hearing for the appointment of a guardian unless a certificate that includes certain information, including why the proposed ward cannot attend the hearing, is signed by a qualified person. If the proposed ward is an adult and cannot attend the hearing by videoconference, the person who signs the certificate or another qualified person is required to inform the proposed ward of certain rights of the proposed ward, including the right to counsel, and ask the proposed ward if he or she wishes to be represented by counsel (NRS 159.0535) Section 24 of this bill removes such a requirement.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) Section 27 of this bill requires that certain information be included in such a report. Existing law also requires a guardian of the estate or special guardian who is authorized to manage the property of a ward to file with the court a verified account of the estate of the ward at certain specified times and requires the account to include certain information. (NRS 159.177, 159.179) Section 28 of this bill requires the account to be served on the protected person and the attorney of the protected person.
Section 29 of this bill revises the requirements relating to the account and revises provisions relating to producing or filing with the court the receipts and vouchers for all expenditures included in the account.

Section 16 of this bill authorizes a court to impose a penalty in an amount not to exceed $5,000 and order restitution of any money misappropriated from the estate of a protected person if a guardian is guilty of gross impropriety in handling the property of the protected person, makes a substantial misstatement in any such report or account or willfully fails to file such a report or account within a certain period after receiving written notice from the court of the failure to file.

Section 15 of this bill provides that a protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person.

Section 31 of this bill revises the circumstances in which a court may remove a guardian. Section 32 of this bill provides that upon the filing of a petition for the termination or modification of a guardianship, the court is required to appoint an attorney to represent the protected person if: (1) the protected person is unable to retain an attorney; or (2) the court determines that the appointment is necessary to protect the interests of the protected person.

Existing law authorizes or requires the imposition of various fees in civil actions, including fees specific to the filing of a petition for a guardianship. (NRS 19.013-19.0335) Section 33 of this bill reduces the fee for filing a petition for a guardianship where the stated value of the estate is more than $2,500 from $72 to $5. Section 33 also specifies that no other fee may be charged or collected for the filing of a petition for a guardianship.

Existing law requires a county recorder to charge and collect a fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage, which the county treasurer is required to remit to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care. (NRS 247.305) Section 36 of this bill requires a county recorder to charge and collect an additional fee of $3 for the recording of such documents, which the county treasurer is required to remit: (1) to the organization operating the program for legal services for the indigent in the county, to be used to provide legal services for protected persons or proposed protected persons who are adults in guardianship proceedings and, if sufficient funding exists, protected persons and proposed protected persons who are minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses. Section 37 of this bill requires a county recorder to charge and collect an additional fee of $1 for the recording of such
documents, which the county treasurer is required to remit to an account maintained by the county for the exclusive use of the district court to pay the compensation of certain investigators appointed by the court. Section 41 of this bill provides that section 37 becomes effective if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. “Interested person” means a person who is entitled to notice of a guardianship proceeding pursuant to NRS 159.034.

Sec. 3. “Person of natural affection” means a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members.

Sec. 4. As used in sections 4 to 11, inclusive, of this act, “relative” means a parent, child or sibling of a protected person.

Sec. 5. 1. A guardian shall not restrict the right of a protected person to communicate, visit or interact with a relative or person of natural affection, including, without limitation, by telephone, mail or electronic communication, unless:

(a) The protected person expresses to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person that the protected person does not wish to communicate, visit or interact with the relative or person of natural affection;

(b) There is currently an investigation of the relative or person of natural affection by law enforcement or a court proceeding concerning the alleged abuse of the protected person and the guardian determines that it is in the best interests of the protected person to restrict the communication, visitation or interaction between the protected person and the relative or person of natural affection because of such an investigation or court proceeding;

(c) The restriction on the communication, visitation or interaction with the relative or person of natural affection is authorized by a court order.

(d) Subject to the provisions of subsection 2, the guardian determines that the protected person is being physically, emotionally or mentally harmed by the relative or person of natural affection; or

(e) Subject to the provisions of subsection 3, a determination is made that, as a result of the findings in a plan for the care or treatment of the protected person, visitation, communication or interaction between the
protected person and the relative or person of natural affection is detrimental to the health and well-being of the protected person.

2. Except as otherwise provided in this subsection, if a guardian restricts communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (d) of subsection 1, the guardian shall file a petition pursuant to section 6 of this act not later than 10 days after restricting such communication, visitation or interaction. A guardian is not required to file such a petition if the relative or person of natural affection is the subject of an investigation or court proceeding pursuant to paragraph (b) of subsection 1 or a pending petition filed pursuant to section 6 of this act.

3. A guardian may consent to restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (e) of subsection 1 if the guardian determines that such a restriction is in the best interests of the protected person. If a guardian makes such a determination, the guardian shall file a notice with the court that specifies the restriction on communication, visitation or interaction not later than 10 days after the guardian is informed of the findings in the plan for the care or treatment of the protected person. The guardian shall serve the notice on the protected person, the attorney of the protected person and any person who is the subject of the restriction on communication, visitation or interaction.

Sec. 6. 1. For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.

2. After a petition is filed by a guardian pursuant to subsection 1, a court:

(a) May appoint a person to meet with the protected person to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing on the petition.

3. Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;
(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;
(c) Whether the protected person has expressed to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or a desire not to communicate, visit or interact with the relative or person of natural affection;
(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and
(e) Any other factor deemed relevant by the court.
4. If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact with the relative or person of natural affection, as set forth in paragraph (c) of subsection 3. Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.
5. A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.
Sec. 7. 1. Before issuing an order pursuant to section 6 of this act, a court shall consider imposing any restrictions on communication, visitation or interaction between a protected person and a relative or person of natural affection in the following order of preference:
(a) Placing reasonable time, manner or place restrictions on communication, visitation or interaction between the protected person and the relative or person of natural affection based on the history between the protected person and the relative or person of natural affection or the wishes of the protected person;
(b) Requiring that any communication, visitation or interaction between the protected person and the relative or person of natural affection be supervised; and
(c) Denying communication, visitation or interaction between the protected person and the relative or person of natural affection.
2. If the court determines that the relative or person of natural affection poses a threat to the protected person, the court may order supervised communication, visitation or interaction pursuant to paragraph
(b) of subsection 1 before denying any communication, visitation or interaction.

Sec. 8. 1. If any person, including, without limitation, a protected person, reasonably believes that a guardian has committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection 1 or subsection 3 of section 5 of this act or has violated a court order issued pursuant to section 6 of this act, the person may petition the court to:

(a) Require the guardian to grant the relative or person of natural affection access to the protected person;

(b) Restrict or further restrict the access of the relative or person of natural affection to the protected person;

(c) Modify the duties of the guardian; or

(d) Remove the guardian pursuant to NRS 159.185.

2. A guardian who violates any provision of sections 4 to 11, inclusive, of this act is subject to removal pursuant to NRS 159.185.

Sec. 9. 1. Except as otherwise provided in subsection 2, a court shall schedule a hearing on a petition filed pursuant to section 6 or 8 of this act not later than 63 days after the date the petition is filed.

2. If a petition filed pursuant to section 6 or 8 of this act states that the health of the protected person is in significant decline or that the death of the protected person might be imminent, the court shall issue an order for an emergency hearing and conduct the emergency hearing as soon as practicable but not later than 7 days after the date the petition is filed.

3. If a court issues an order for an emergency hearing pursuant to subsection 2, the court may order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing.

4. Notice of the hearing, a copy of the petition and a copy of any order issued pursuant to subsection 2, if applicable, must be personally served upon the protected person and any person against whom the petition is filed. Nothing in this section affects the right of the protected person to appear and be heard in the proceedings.

Sec. 10. In a proceeding held pursuant to sections 4 to 11, inclusive, of this act:

1. The guardian has the burden of proof if he or she:

(a) Petsitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection 1 of section 6 of this act;

(b) Petsitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act; or

(c) Opposes a petition filed pursuant to section 8 of this act.

2. A relative or person of natural affection has the burden of proof if he or she petsitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act.
Sec. 11. 1. In a proceeding held pursuant to sections 4 to 11, inclusive, of this act, if the court finds that:
   (a) A petition was filed frivolously or in bad faith, the court shall award attorney’s fees to the party opposing the petition.
   (b) A guardian is in contempt of court or has acted frivolously or in bad faith in prohibiting or restricting communication, visitation or interaction between the relative or person of natural affection and the protected person, the court may:
      (1) Award attorney’s fees to the prevailing party; and
      (2) Impose sanctions against the guardian.
   2. Any attorney’s fees awarded pursuant to this section must not be paid by the protected person or the estate of the protected person.

Sec. 12. 1. Every protected person has the right, if possible, to:
   (a) Have his or her preferences followed; and
   (b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.
   2. Except as otherwise provided in subsection 5, a proposed protected person must not be moved until a guardian is appointed.
   3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, the guardian shall notify all interested persons in accordance with subsection 4 before the protected person:
      (a) Is admitted to a secured residential long-term care facility;
      (b) Changes his or her residence, including, without limitation, to or from one secured residential long-term care facility to another; or
      (c) Will reside at a location other than his or her residence for more than 3 days;
      (d) Will be admitted to a medical facility for acute care or emergency care.
   4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, a guardian shall file with the court a notice of his or her intent to move the protected person and shall serve notice upon all interested persons not less than 10 days before moving the protected person. If no objection to the move is received from any interested person within 10 days after receiving the notice, the guardian may move the protected person without court permission.
   5. If an emergency condition exists, including, without limitation, the health or safety of the protected person is at risk of imminent harm or the protected person has been hospitalized and will be unable to return to his or her residence for a period of more than 24 hours, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.
   6. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or section 13 of this act must include the current location of the
protected person. The guardian shall not provide any contact information
to an interested person or person of natural affection if an order of
protection has been issued against the interested person or person of
natural affection on behalf of the protected person.
7. A guardian is not required to provide notice to an interested person
or person of natural affection in accordance with this section or section 13
of this act if:
(a) The interested person or person of natural affection informs the
guardian in writing that the person does not wish to receive such notice; or
(b) The protected person or a court order has expressly prohibited the
guardian from providing notice to the interested person or person of
natural affection.
Sec. 13. 1. Except as otherwise provided in section 12 of this act, a
guardian shall immediately notify all interested persons and persons of
natural affection:
(a) If the guardian reasonably believes that the death of the protected
person is likely to occur within the next 30 days and such belief is based on
information from a psychologist, physician or other health care provider of
the protected person or a person otherwise qualified to provide such a
medical opinion, including, without limitation, a health care provider
employed by a hospice or by a hospital of the Department of Veterans
Affairs.
(b) Upon the death of the protected person.
(c) Upon obtaining any information relating to the burial or cremation
of the protected person.
2. The guardian shall provide notification pursuant to paragraph (b) of
subsection 1:
(a) In person or by telephone to the family members of the protected
person or, if the protected person does not have any family members or
does not have a relationship with any family members, the person of
natural affection designated to receive such notification;
(b) By electronic communication to any family member of the protected
person or person of natural affection who has opted to receive notification
by electronic communication; and
(c) In writing to all other interested persons and persons of natural
affection not given notice pursuant to paragraph (a) or (b).
Sec. 14. 1. If a guardian of the estate has not been appointed, a
guardian of the person may:
(a) Institute proceedings to compel any person under a duty to support
the protected person or to pay for the welfare of the protected person to
perform that duty; and
(b) Receive money and tangible property deliverable to the protected
person and apply such money and property for the support, care and
education of the protected person. The guardian shall not use any money
from the estate of the protected person to cover the cost of any room and
board that the guardian or the spouse, parent or child of the guardian furnishes to the protected person unless a charge for the service is approved by a court order, after notice to at least one adult relative in the nearest degree of consanguinity to the protected person in which there is an adult. The guardian shall exercise care to conserve any excess money for the needs of the protected person.

2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected person must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.

3. A guardian of the person of a protected person for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected person if the guardian of the person presents a claim to the guardian of the estate pursuant to NRS 159.107 and 159.109.

4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected person to another person or entity for the care and maintenance of the protected person in accordance with NRS 159.107 and 159.109.

Sec. 15. A protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person. A protected person may submit any trust to the jurisdiction of a court if:

1. The protected person, his or her spouse, or both the protected person and his or her spouse are grantors and sole beneficiaries of the income of the trust; or

2. The trust was created at the discretion of or with the consent of a court.

Sec. 16. If a guardian:

1. Is guilty of gross impropriety in handling the property of the protected person;

2. Makes a substantial misstatement in any report filed pursuant to NRS 159.081 or any account filed pursuant to NRS 159.177; or

3. Willfully fails to file a report required by NRS 159.081 or an account required by NRS 159.177 after receiving written notice from the court of the failure to file and a grace period of 2 months after such notification has elapsed,

the court may impose a penalty in an amount not to exceed $5,000 and order restitution of any money misappropriated from the estate of a protected person, which must be paid by the guardian and must not be paid by the estate of the protected person.
Sec. 17. 1. If a guardian violates any right of a protected person that is set forth in this chapter, a court may take any appropriate action, including, without limitation:

(a) Issuing an order that certain actions be taken or discontinued;
(b) Disallowing any fees payable to the guardian;
(c) After notice and a hearing, issuing an order compensating a protected person or the estate of a protected person for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;
(d) Removing the guardian pursuant to NRS 159.185; or
(e) Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected person; and
(b) Attorney’s fees and costs.

Sec. 18. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 19. NRS 159.025 is hereby amended to read as follows:

159.025 “Proposed [ward] protected person” means any person for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 20. NRS 159.027 is hereby amended to read as follows:

159.027 [ward] “Protected person” means any person for whom a guardian has been appointed.

Sec. 21. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in any guardianship proceeding must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding must read, “In The Matter of the Guardianship of.......................... (the person, the estate, or the person and estate)........................ (the legal name of the person)........................ (adult or minor) [ ] , Protected Person.”

Sec. 22. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may, in any proceeding, appoint a person to represent the [ward] protected person or proposed [ward] protected person as a guardian ad litem if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the
guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person; and

(b) The guardian ad litem must represent the [ward] protected person or proposed [ward] protected person as a guardian ad litem until relieved of that duty by court order.

2. Upon the appointment of the guardian ad litem, the court shall set forth in the order of appointment the duties of the guardian ad litem.

3. The guardian ad litem is entitled to reasonable compensation from the estate of the ward or proposed ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem, the court may order the person to pay to the estate of the ward or proposed ward all or part of the expenses associated with the appointment of the guardian ad litem. If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.

4. A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:

(a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person; and

(b) Provide any information required by the court.

Sec. 23. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. [At the first hearing] Upon the filing of a petition for the appointment of a guardian for a proposed [adult ward] protected person who is an adult, the court shall [advise] appoint an attorney for the proposed [adult ward] protected person who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether the proposed [adult ward] protected person wishes to be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535. If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.

2. [If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a
guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the] The court [shall, at or before the
time of the next hearing] shall:

(a) If the proposed protected person resides in a county that has a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults and the program is able to accept the case, appoint an attorney who works for legal aid services, if available, or a private organization operating the program to represent the proposed protected person. After such an appointment, if it is ascertained that the proposed protected person wishes to have another attorney represent him or her, the court shall appoint that attorney to represent the [adult ward or] proposed [adult ward]. The appointed protected person. An attorney appointed pursuant to this subsection shall represent the [adult ward or] proposed [adult ward] protected person until relieved of the duty by court order.

3. Subject to the discretion and approval of the court, the attorney for the adult ward or

(b) If the proposed [adult ward is entitled to reasonable compensation and expenses. Unless] protected person resides in a county that does not have a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults, or if such a program exists but the program is unable to accept the case, the court [determines that the adult ward or] shall determine whether the proposed [adult ward does not have] protected person has the ability to pay [such] the reasonable compensation and expenses [or the court shifts the responsibility of payment to a third party,] of an attorney from his or her estate. If the proposed protected person:

(1) Has the ability to pay the reasonable compensation and expenses [must] of an attorney, the court shall order an attorney to represent the proposed protected person and require such compensation and expenses of the attorney to be paid from the estate of the [adult ward or] proposed [adult ward, unless] protected person.

(2) Does not have the ability to pay the reasonable compensation and expenses of an attorney, the court may use the money retained pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 247.305 to pay for an attorney to represent the proposed protected person.

3. If an attorney is appointed pursuant to paragraph (a) of subsection 2 and the proposed protected person has the ability to pay the compensation and expenses [are provided for or paid by another person or entity] of an attorney, the organization operating the program for legal services may request that the court appoint a private attorney to represent the proposed protected person, to be paid by the proposed protected person.

4. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the [adult ward] protected person or proposed [adult ward]
protected person all or part of the expenses associated with the appointment of the attorney.

Sec. 24. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed [ward] protected person who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed [ward] protected person, the reasons why the proposed [ward] protected person is unable to appear in court and whether the [proposed ward’s] attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed [ward] protected person; or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed [ward] protected person, the reasons why the proposed [ward] protected person is unable to appear in court and whether the [proposed ward’s] attendance of the proposed protected person at the hearing would be detrimental to the physical or mental health of the proposed [ward] protected person.

2. A proposed [ward] protected person found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed [ward] protected person is an adult and cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed [adult ward] protected person that the petitioner is requesting that the court appoint a guardian for the proposed [adult ward] protected person;

(b) Ask the proposed [adult ward] protected person for a response to the guardianship petition; and

(c) Inform the proposed adult ward of his or her right to counsel and ask whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding; and

(d) Ask the preferences of the proposed [adult ward] protected person for the appointment of a particular person as the guardian of the proposed [adult ward] protected person.

3. If the proposed [ward] protected person is an adult, the person who informs the proposed [adult ward] protected person of the rights of the proposed [adult ward] protected person pursuant to subsection 2 shall state in a certificate signed by that person:

(a) That the proposed adult ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;

(b) The responses of the proposed [adult ward] protected person to the questions asked pursuant to subsection 2; and
(b) Any conditions that the person believes may have limited the responses by the proposed protected person.

4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

5. If the proposed protected person is not in this State, the proposed protected person must attend the hearing only if the court determines that the attendance of the proposed protected person is necessary in the interests of justice.

Sec. 25. NRS 159.073 is hereby amended to read as follows:

159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the protected person at all times.

(II) Provide the protected person with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the protected person and utilize the income, assets and estate of the protected person solely for the benefit of the protected person.

(IV) Maintain the assets of the protected person in the name of the protected person or the name of the guardianship. Except when the spouse of the protected person is also his or her guardian, the assets of the protected person must not be commingled with the assets of any third party.

(V) Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward provide notification of the death of the protected person in accordance with section 13 of this act.

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.
(3) A list of actions regarding the [ward] protected person that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the [ward] protected person.

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

Sec. 26. NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the [ward] protected person, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the [ward] protected person, including, without limitation, the following:

(a) Supplying the [ward] protected person with food, clothing, shelter and all incidental necessaries, including locating an appropriate residence for the [ward] protected person based on the financial situation and needs of the protected person, including, without limitation, any medical needs or needs relating to his or her care.

(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected person and commencing a proceeding if any property of the protected person is in need of protection.

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the [ward] protected person.

(d) Seeing that the [ward] protected person is properly trained and educated and that the [ward] protected person has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the [ward] protected person. A guardian of the person is not required to incur expenses on behalf of the [ward] protected person except to the extent that the estate of the [ward] protected person is sufficient to reimburse the guardian.

3. A guardian of the person is the [ward’s] personal representative of the protected person for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the [ward’s] health care or health insurance of the protected person.
4. Except as otherwise provided in subsection 6, a guardian of the person may, subject to the provisions of subsection 6 and section 12 of this act, establish and change the residence of the protected person at any place within this State, without the permission of the court. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected person and which is financially feasible.

5. Except as otherwise provided in subsection 6, a guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected person to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the protected person or that there is no appropriate residence available for the protected person in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a notice with the court requesting authorization of his or her intent to move a protected person to or place a protected person in a secured residential long-term care facility unless:
   (a) An emergency condition exists pursuant to subsection 5 of section 12 of this act;
   (b) The court has previously granted the guardian authority to move the protected person to or place the protected person in such a facility based on findings made when the court appointed the guardian; or
   (c) The move or placement is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

8. As used in this section “protective services” has the meaning ascribed to it in NRS 200.5092.

Sec. 27. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected person and the exercise of authority and performance of duties by the guardian:
   (a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;
   (b) Within 10 days of moving a protected person to a secured residential long-term care facility; and
   (c) At such other times as the court may order.
2. A report filed pursuant to paragraph (b) of subsection 1 must:
   (a) Include a copy of the written recommendation upon which the transfer was made; and
   (b) Be served, without limitation, on the attorney for the protected person, if any.
3. The court may prescribe the form and contents for filing a report described in subsection 1. Such a report must include, without limitation:
   (a) The physical condition of the protected person;
   (b) The place of residence of the protected person;
   (c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, assisted living facility or other facility for long-term care; and
   (d) Any other information required by the court.
4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.
5. The court is not required to hold a hearing or enter an order regarding the report.
6. As used in this section, “facility for long-term care” has the meaning ascribed to it in NRS 427A.028.

Sec. 28. NRS 159.177 is hereby amended to read as follows:
159.177 1. A guardian of the estate or special guardian who is authorized to manage the property of the protected person shall make and file a verified account in the guardianship proceeding:
   (a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the protected person.
   (b) Upon filing a petition to resign and before the resignation is accepted by the court.
   (c) Within 30 days after the date of his or her removal, unless the court authorizes a longer period.
   (d) Within 90 days after the date of termination of the guardianship or the death of the protected person, unless the court authorizes a longer period.
   (e) At any other time as required by law or as the court may order.
2. An account filed pursuant to this section must be served on the attorney of the protected person and, if the protected person is living, on the protected person.

Sec. 29. NRS 159.179 is hereby amended to read as follows:
159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the property of a protected person must include, without limitation, the following information:
(a) The period covered by the account.

(b) The assets of the protected person at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.

(c) All cash receipts and disbursements during the period covered by the account, including, without limitation, any disbursements for the support of the protected person or other expenses incurred by the estate during the period covered by the account.

(d) All claims filed and the action taken regarding the account.

(e) Any changes in the property of the protected person due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the property holdings of the protected person as reported in the original inventory or the preceding account, including, without limitation, any income received during the period covered by the account.

(f) Any other information the guardian considers necessary to show the condition of the affairs of the protected person.

(g) Any other information required by the court.

2. All expenditures included in the account must be itemized.

3. If the account is for the estates of two or more protected persons, it must show the interest of each protected person in the receipts, disbursements and property.

4. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. Unless ordered by the court, the public guardian is not only required to produce such receipts or vouchers upon the request of the court, the protected person to whom the receipt or voucher pertains, the attorney of such a protected person or any interested person. All other guardians shall file such receipts or vouchers with the court if:

(a) The receipt or voucher is for an amount greater than $250, unless such a requirement is waived by the court; or

(b) The court orders the filing.

5. On the court’s own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

6. If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:
(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and
(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 30. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:
(a) Reasonable compensation for the guardian’s services;
(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and
(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:
(a) The nature of the guardianship;
(b) The type, duration and complexity of the services required; and
(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected person. In evaluating the ability of a protected person to pay such compensation and expenses, the court may consider:
(a) The nature, extent and liquidity of the assets of the protected person;
(b) The disposable net income of the protected person;
(c) Any foreseeable expenses; and
(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or (g) of subsection 1 of NRS 159.185.

Sec. 31. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:
(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;
(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the protected person is an adult or NRS 159.061 if the protected person is a minor;
(c) The guardian has filed for bankruptcy within the previous 5 years;
(d) The guardian of the estate has mismanaged the estate of the [ward] protected person;
(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:
   (1) The negligence resulted in injury to the [ward] protected person or the estate of the [ward] protected person; or
   (2) There was a substantial likelihood that the negligence would result in injury to the [ward] protected person or the estate of the [ward] protected person;
(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;
(g) The guardian has violated any right of the protected person that is set forth in this chapter;
(h) The guardian has violated a court order or committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection 21 or subsection 3 of section 5 of this act;
(i) The guardian has violated any provision of sections 4 to 11, inclusive, of this act or a court order issued pursuant to section 6 of this act;
(j) The best interests of the [ward] protected person will be served by the appointment of another person as guardian; or
(k) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 32. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A [ward] protected person, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:
   (a) The name and address of the petitioner.
   (b) The relationship of the petitioner to the [ward] protected person.
   (c) The name, age and address of the [ward] protected person, if the [ward] protected person is not the petitioner, or the date of death of the [ward] protected person if the [ward] protected person is deceased.
   (d) The name and address of the guardian, if the guardian is not the petitioner.
   (e) The reason for termination or modification.
   (f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.
   (g) A general description and the value of the remaining property of the [ward] protected person and the proposed disposition of that property.

2. Upon the filing of the petition, the court shall appoint an attorney to represent the [ward] protected person if:
   (a) The [ward] protected person is unable to retain an attorney; [and] or
   (b) The court determines that the appointment is necessary to protect the interests of the [ward] protected person.
3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the [ward] protected person.

4. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the [ward] protected person, the court may:
   (a) Disallow the petitioner from petitioning the court for attorney’s fees from the estate of the [ward] protected person; and
   (b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the [ward] protected person for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the [ward] protected person and associated with the petition.

Sec. 33. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer ................................................................. $56.00

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court ...................... 42.00

On the filing of a petition for letters testamentary, letters of administration [ ] or setting aside an estate without administration, [ or a guardianship, ] which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:
   Where the stated value of the estate is more than $2,500................................................................. 72.00
   Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition for a guardianship, to be paid by the petitioner:
   Where the stated value of the estate is more than $2,500 ................................................................. 5.00
   Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.
On the filing of a petition to contest any will or codicil, to be paid by the petitioner ........................................ 44.00
On the filing of an objection or cross-petition to the appointment of an executor [or administrator, or guardian] or an objection to the settlement of account or any answer in an estate [or guardianship] matter ........................................ 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants ........................................ 44.00
For filing a notice of appeal .......................................................... 24.00
For issuing a transcript of judgment and certifying thereto ........ 3.00
For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court ........................................ 0.50
For each certificate of the clerk, under the seal of the court .......... 3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court ........................................ 5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity ............. 15.00
For issuing any certificate under seal, not otherwise provided for ........................................ 6.00
For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable ........................................ 0.50
For filing and recording a bond of a notary public, per name .......................................................... 15.00
For entering the name of a firm or corporation in the register of the county clerk .......................................................... 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll,
but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant’s attorney in any criminal case or in habeas corpus proceedings.

6. **Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.**

7. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

**Sec. 34.** NRS 19.020 is hereby amended to read as follows:

19.020 1. At the time of the commencement of every civil action or other proceeding in the several district courts, the plaintiff shall pay the clerk of the court in which the action is commenced the sum of $3, except as otherwise provided by specific statute.

2. At the commencement of any proceeding in any district court for the purpose of procuring an appointment of administration upon the estate of any deceased person, [or procuring an appointment as guardian,] the party instituting the proceeding shall pay the clerk of the court the sum of $1.50.

3. Whenever any appeal is taken in a civil action or proceeding from the judgment or decision of a Justice Court, or other tribunal inferior to the district court, the party appealing shall, before the return to the appeal may be filed in the appellate court, pay to the clerk of the appellate court the sum of $5.

4. The several fees provided for in this section are designated as court fees, and no such action may be deemed commenced, proceedings instituted, nor appeal perfected until the court fees are paid.

**Sec. 35.** NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer.................................$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants .........................$99

(c) On the filing of a petition for letters testamentary [or letters of administration,] [or a guardianship,] which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:
(1) Where the stated value of the estate is $200,000 or more ........................................................................ $352
(2) Where the stated value of the estate is more than $20,000 but less than $200,000 ........................................ $99
(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.
(d) On the filing of a motion for summary judgment or a joinder thereto .......................................................... $200
(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto ................................................ $1,359
(f) On the commencement of:
(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or
(2) Any other action defined as “complex” pursuant to the local rules of practice, and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding ........................................ $349
(g) On the filing of a third-party complaint, to be paid by the filing party ........................................................... $135
(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party ........................................ $349
(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court ........................................................................... $10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:
(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;
(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and
(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:
(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;
(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;
(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;
(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 36. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page........................................... $10

(b) For each additional page................................................................. $1

(c) For recording each portion of a document which must be separately indexed, after the first indexing ................................................. $3

(d) For copying any record, for each page ........................................... $1

(e) For certifying, including certificate and seal ......................................... $4

(f) For a certified copy of a certificate of marriage ................................. $10

(g) For a certified abstract of a certificate of marriage ............................. $10

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account
for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $4 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) Three dollars:

(I) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(1) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.
(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:
   (a) The county in which the county recorder’s office is located.
   (b) The State of Nevada or any city or town within the county in which the county recorder’s office is located, if the document being recorded:
      (1) Conveys to the State, or to that city or town, an interest in land;
      (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
      (3) Imposes a lien in favor of the State or that city or town; or
      (4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:
   (a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.
(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 37. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page.......................... $10
(b) For each additional page................................................ $1
(c) For recording each portion of a document which must be separately indexed, after the first indexing ................................ $3
(d) For copying any record, for each page ................................ $1
(e) For certifying, including certificate and seal .................. $4
(f) For a certified copy of a certificate of marriage ................. $10
(g) For a certified abstract of a certificate of marriage .............. $10
(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $5 for recording a document, instrument, paper, notice, deed,
conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) Three dollars:
   (1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:
      (I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and
      (II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or
   (2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

(c) One dollar to an account maintained by the county for the exclusive use of the district court to pay the compensation of investigators appointed by the court pursuant to section 28 of Assembly Bill No. 319 of this session.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any
fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:
   (a) The county in which the county recorder’s office is located.
   (b) The State of Nevada or any city or town within the county in which the county recorder’s office is located, if the document being recorded:
      (1) Conveys to the State, or to that city or town, an interest in land;
      (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
      (3) Imposes a lien in favor of the State or that city or town; or
      (4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:
   (a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.
   (b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 38. NRS 628B.100 is hereby amended to read as follows:

628B.100 [“Ward” “Protected person”] has the meaning ascribed to it in NRS 159.027.

Sec. 39. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the term “ward” as it appears in the Nevada Revised Statutes with the term “protected person” in the manner provided in this act.
2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term “ward” is replaced with the term “protected person” as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

Sec. 40. The amendatory provisions of section 23 of this act apply to a petition for the appointment of a guardian for a proposed protected person that is filed on or after July 1, 2017.

Sec. 41. 1. This section and sections 1 to 36, inclusive, 38, 39 and 40 of this act become effective on July 1, 2017.

2. Section 37 of this act becomes effective on July 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

Assemblyman Yeager moved the adoption of the amendment.
Remarks by Assemblyman Yeager.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 468.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 733.
AN ACT relating to wages; authorizing a domestic service employee who resides in the household where he or she works and his or her employer to enter into a written agreement to exclude from the [employee's] wages of the domestic service employee certain specified periods for meals, sleep and other free time; authorizing such an agreement to be used to establish the number of hours worked by the domestic service employee during a pay period; revising provisions relating to the payment of certain compensation for overtime to a domestic service employee who resides in the household where he or she works; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law requires an employer to pay compensation to an employee for each hour the employee works. (NRS 608.016) Existing federal regulations allow a domestic service employee who resides in the household where he or she works and his or her employer to agree to exclude from the employee’s wages certain periods of complete freedom from all duties. (29 C.F.R. § 552.102) Section 1.5 of this bill enacts provisions based on federal regulations to provide that a domestic service employee who resides in the household where he or she works and his or her employer may agree to exclude from the domestic service employee’s wages certain periods for
meals, sleep and other periods of complete freedom from all duties. Under section 1.5, if a period excluded from the domestic service employee’s wages is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid. Section 1.3 of this bill defines “domestic service employee” to mean an employee who performs any household services in or about a private residence or any other location at which a person resides and includes caregivers and other persons who are employed at a residential facility for groups.

Existing law requires an employer to pay 1 1/2 times certain employee’s regular wage rates for certain periods of overtime. (NRS 608.018) Under existing law, domestic service employees who reside in the household where they work are exempt from this requirement. (NRS 608.018, 608.250) Section 2.5 of this bill provides that such an a domestic service employee is exempt from the requirement to pay overtime compensation only if the domestic service employee and his or her employer have agreed in writing to exclude the domestic service employee from the requirement.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows: the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. “Domestic service employee” means an employee who performs any household service in or about a private residence or any other location at which a person resides. The term includes, without limitation:

1. Caregivers and other persons who are employed at a residential facility for groups, as defined in NRS 449.017; and

2. Companions, babysitters, cooks, waiters, valets, housekeepers, nannies, nurses, janitors, persons employed to launder clothes and linens, caretakers, persons who perform minor repairs, gardeners, home health aides, personal care aides and chauffeurs of automobiles for family use.

Sec. 1.5. 1. If a domestic service employee resides in the household where he or she works, the employer and domestic service employee may agree in writing to exclude from the employee’s wages of the domestic service employee:

(a) Periods for meals if the period for meals is at least one-half hour for each meal;

(b) Periods for sleep if the period for sleep excluded from the employee’s wages of the domestic service employee does not exceed 8 hours; and

(c) Any other period of complete freedom from all duties during which the domestic service employee may either leave the premises or stay on the premises for purely personal pursuits. To be excluded from the employee’s wages of the domestic service employee pursuant to this
paragraph, a period must be of sufficient duration to enable the domestic service employee to make effective use of the time.

2. If a period excluded from the wages of the domestic service employee pursuant to this section is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid.

3. An agreement pursuant to this section may be used to establish the total hours of employment of a domestic service employee in a pay period in lieu of maintaining precise records of the number of hours worked per day. The employer shall keep a copy of the agreement and indicate in the record of wages pursuant to NRS 608.115 that the work time of the domestic service employee generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record must be kept for the period in which the deviation occurs or a new agreement must be reached that reflects the actual facts.

Sec. 1.7. NRS 608.007 is hereby amended to read as follows:

608.007 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 608.010 to 608.0126, inclusive, and section 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 Except as otherwise provided in NRS 608.0195 and section 1.5 of this act, an employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 2.5. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee’s regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or
(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee’s regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;
(b) Outside buyers;
(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation...
for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month:

(d) Employees who are employed in bona fide executive, administrative or professional capacities;
(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;
(f) Drivers, drivers’ helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;
(g) Employees of a railroad;
(h) Employees of a carrier by air;
(i) Drivers or drivers’ helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;
(j) Drivers of taxicabs or limousines;
(k) Agricultural employees;
(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;
(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and
(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

(a) A domestic service employee who resides in the household where he or she works if the domestic service employee and his or her employer agree in writing to exempt the domestic service employee from the requirements of subsections 1 and 2.

Sec. 3. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:
   (1) Services; or
   (2) Food, housing or clothing.
(b) Deductions.
(c) Net cash wage or salary.
(d) Total Except as otherwise provided in section 1.5 of this act, total hours employed in the pay period by noting the number of hours per day.
(e) Date of payment.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

3. Records of wages must be maintained for a 2-year period following the entry of information in the record.

Sec. 4. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195,
inclusive, and sections 1.3 and 1.5 of this act to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,
shall prosecute the action for enforcement according to law.

Sec. 5. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, and sections 1.3 and 1.5 of this act, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.
2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 6. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.
Remarks by Assemblywoman Bustamante Adams.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 471.
Bill read third time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 824.
AN ACT relating to improvement districts; revising provisions governing the merger, consolidation or dissolution of certain general improvement districts; repealing the Nevada Improvement District Act; creating the Douglas County Lake Tahoe Sewer Authority and its governing Board of Trustees; setting forth the powers and duties of and procedures governing the Authority and the Board; abolishing Douglas County Sewer Improvement District No. 1; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Chapter 309 of NRS, the Nevada Improvement District Act, authorizes the creation and governs the management of a local improvement district for the construction of a power plant and the distribution of energy therefrom or the construction of a sewer system or the construction or acquisition of a water system. (Chapter 309 of NRS) In 1967, the Nevada Legislature eliminated the authority to create such a district. (NRS 309.025) The only local improvement district currently in existence which is organized pursuant to the Nevada Improvement District Act is Douglas County Sewer Improvement District No. 1. Section 36 of this bill repeals the Nevada
Improvement District Act. Sections 1-5 and 7-11 of this bill make conforming changes. Section 35 of this bill abolishes Douglas County Sewer Improvement District No. 1. Section 6 of this bill makes a conforming change.

Sections 12-34 of this bill establish the Douglas County Lake Tahoe Sewer Authority Act, which creates the Douglas County Lake Tahoe Sewer Authority for the purpose of furnishing certain residents of this State with an adequate system of sewage collection and treatment and disposal of wastewater. Section 23 of this bill exempts certain property of the Authority from state, county and municipal taxation. Section 24 of this bill authorizes the Authority to enter into certain interlocal cooperative agreements with general improvement districts, and authorizes a general improvement district which is party to such an agreement to authorize the Authority to exercise powers, privileges and authority belonging to the general improvement district. Section 25 of this bill provides that the Authority is a public employer, subject to certain provisions governing retirement for public employees.

Section 26 of this bill creates and provides for the appointment of a Board of Trustees which is charged with directing and governing the Authority. Section 27 of this bill requires each trustee on the Board to file an oath of office and a bond. Sections 28 and 29 of this bill set forth provisions governing the procedures and duties of the Board.

Sections 30 and 31 of this bill set forth the powers of the Authority and the Board. Section 32 of this bill requires the Board to adopt an ordinance governing the financing of the Authority. Section 33 of this bill exempts the Authority from regulation by the Public Utilities Commission of Nevada. Section 33.5 of this bill requires approval from the Board and a majority of the owners of property located within the boundaries of the service area of the Authority before the Authority is authorized to merge or consolidate with a general improvement district.

Section 34 of this bill directs the Douglas County Lake Tahoe Sewer Authority to assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1.

Under existing law, if a majority of the members of the board of county commissioners of a county deems it to be in the best interest of the county and of a general improvement district that was exercising three specified powers on October 1, 2005, related to sanitary sewer improvements, the collection and disposal of garbage or refuse and the supply, storage and distribution of water that the district be merged, consolidated or dissolved, the board of county commissioners is required to submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district does not agree to the merger, consolidation or dissolution within 90 days after the submission of the question to the board of trustees, existing law prohibits the merger, consolidation or dissolution of the district. (NRS 318.490) Section 3 of this
bill requires the submission of the question of merger, consolidation or dissolution to the board of trustees of a district that has annual revenues of more than $1,000,000 and was exercising any of those three specified powers on October 1, 2005.

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

Section 1. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:
(a) Any special district whose formation is initiated by a board of county commissioners; and
(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter “special district” means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes:
   — (a) All local improvement districts created pursuant to chapter 309 of NRS; and
   — (b) All housing authorities.

Sec. 2. NRS 318.0954 is hereby amended to read as follows:

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS, must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing body under such chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS. If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.
4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:
   (a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.
   (b) Supersedes the provisions of NRS 318.0953 or 318.09533.

Sec. 3. NRS 318.490 is hereby amended to read as follows:

318.490 1. Except as otherwise provided in NRS 318.492, whenever a majority of the members of the board of county commissioners of any county deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution pursuant to subsection 3, agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, after there is first found, determined and recited in the ordinance that:
   (a) All outstanding indebtedness and bonds of all kinds of the district have been paid or will be assumed by the resulting merged or consolidated unit of government.
   (b) The services of the district are no longer needed or can be more effectively performed by an existing unit of government.

2. The county clerk shall thereupon certify a copy of the ordinance to the board of trustees of the district and shall mail written notice to all property owners within the district in the county, containing the following:
   (a) The adoption of the ordinance;
   (b) The determination of the board of county commissioners that the district should be dissolved, merged or consolidated; and
   (c) The time and place for hearing on the dissolution, merger or consolidation.

3. If a majority of the members of the board of county commissioners of a county deems it to be in the best interests of the county and of a district with annual revenues of more than $1,000,000 that was, on October 1, 2005, exercising powers pursuant to NRS 318.140, 318.142 or 318.144, that the district be merged, consolidated or dissolved, the board of county commissioners shall submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district, by resolution, does not agree to the merger, consolidation or dissolution within 90 days after the question was submitted to it, the district may not be merged, consolidated or dissolved.

Sec. 4. NRS 318.525 is hereby amended to read as follows:

318.525 1. Chapter 542, Statutes of Nevada 1967, does not affect the corporate existence nor the area included within the boundaries of any
district organized or reorganized before May 1, 1967, under any chapter in title 25 of NRS, but the governing body of any such district (excluding any local improvement district organized or reorganized under the provisions of chapter 309 of NRS, any housing authority or other municipal corporation subject to the provisions of chapter 315 of NRS, and excluding any district organized or reorganized before May 1, 1967, under and already subject to the provisions of this chapter 318 of NRS) shall reorganize as provided in this chapter as amended by chapter 542, Statutes of Nevada 1967.

2. Any district organized or reorganized before May 1, 1967, under and exercising powers as provided in any chapter in title 25 of NRS (excluding chapters 309, 315 and 318 of NRS) shall operate under and exercise powers pertaining to each basic power for which the district is organized or reorganized as provided in chapter 318 of NRS, including without limitation the provisions of the Special District Control Law to the extent it is applicable by the terms thereof.

Sec. 5. NRS 226.110 is hereby amended to read as follows:

226.110 The State Treasurer:

1. Shall receive and keep all money of the State which is not expressly required by law to be received and kept by some other person.

2. Shall receipt to the State Controller for all money received, from whatever source, at the time of receiving it.

3. Shall establish the policies to be followed in the investment of money of the State, subject to the periodic review and approval or disapproval of those policies by the State Board of Finance.

4. May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the State.

5. Shall disburse the public money upon warrants drawn upon the Treasury by the State Controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The State Treasurer may use any sampling or postaudit technique, or both, which he or she considers reasonable to verify the proper distribution of warrants.

6. Shall keep a just, true and comprehensive account of all money received and disbursed.

7. Shall deliver in good order to his or her successor in office all money, records, books, papers and other things belonging to his or her office.

8. Shall fix, charge and collect reasonable fees for:

(a) Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

(b) Special services rendered to other state agencies or to members of the public which increase the cost of operating his or her office.

9. Serves as the primary representative of the State in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those
obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

10. Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The State Treasurer:
   (a) Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.
   (b) May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

11. May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the State and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, 249, 318, 379, 474, 541, 543 and 555 of NRS.

12. Shall serve as the Administrator of Unclaimed Property.

Sec. 6. 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 for that state the governor of the State of Nevada shall make such an 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 members of each state agreeing with the vote of at least four members of the other state shall be required 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, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five 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.
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
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. 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 Lake Tahoe Sewer District #1 Authority, 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 Authority 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 Authority 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.

(6) In addition to the provisions of paragraph (5) relating to judicial inquiry:

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) 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.

(8) 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.
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 who must be appointed by his respective board of supervisors;

(2) One member of the city council of the City of South Lake Tahoe who must be appointed by the city council;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(7) One member of each local transportation district in the region that is authorized by the State of Nevada or the State of California who must be appointed by his respective transportation district;

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

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

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

Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.
(d) The directors of the California Department of Transportation and the
department of transportation of the State of Nevada, or their designated
alternates, serve as nonvoting directors, but shall provide technical and
professional advice to the district as necessary and appropriate.
(e) The vote of a majority of the directors must agree to take action. If a
majority of votes in favor of an action are not cast, an action of rejection shall
be deemed to have been taken.
(f) The Tahoe transportation district may by resolution establish
procedures for the adoption of its budgets, the appropriation of its money and
the carrying on of its other financial activities. These procedures must
conform insofar as is practicable to the procedures for financial
administration of the State of California or the State of Nevada or one or
more of the local governments in the region.
(g) 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) Own and operate support facilities for public and private systems of
transportation, including, but not limited to, parking lots, terminals, facilities
for maintenance, devices for the collection of revenue and other related
equipment.
(3) Acquire or agree to operate upon mutually agreeable terms any
publicly or privately owned transportation system or facility within the
region.
(4) 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.
(5) Contract with private companies to provide supplementary
transportation or provide any of the services needed in operating a system of
transportation for the region.
(6) Contract with local governments in the region to operate transportation
facilities or provide any of the services necessary to operate a system of
transportation for the region.
(7) Fix the rates and charges for transportation services provided pursuant
to this subdivision.
(8) Issue revenue bonds and other evidence of indebtedness and make
other financial arrangements appropriate for developing and operating a
public transportation system.
(9) 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, except for a sales and use tax. If a sales and use tax is
approved by the voters as provided in this paragraph, it may be administered
by the states of California and Nevada respectively in accordance with the
laws that apply within their respective jurisdictions and must not exceed a rate of 1 percent of the gross receipts from the sale of tangible personal property sold in the district. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, 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 the voters voting on the proposition who reside in the State of California in accordance with the laws that apply within that state and approval of the voters voting on the proposition who reside in the State of Nevada in accordance with the laws that apply within that state. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(10) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(h) 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 appropriative water right.
Sec. 7. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, “local government” means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 318, 379, 450, 474, 539, 541, 543 and 555 of NRS.

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

Sec. 8. NRS 338.010 is hereby amended to read as follows:

338.010 1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:
(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;
(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;
(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;
(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or
(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.
8. “Division” means the State Public Works Division of the Department of Administration.
9. “Eligible bidder” means a person who is:
   (a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or
   (b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.
10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:
   (a) General engineering contracting, as described in subsection 2 of NRS 624.215.
   (b) General building contracting, as described in subsection 3 of NRS 624.215.
11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.
12. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.
13. “Offense” means failing to:
   (a) Pay the prevailing wage required pursuant to this chapter;
   (b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

14. “Prime contractor” means a contractor who:
   (a) Contracts to construct an entire project;
   (b) Coordinates all work performed on the entire project;
   (c) Uses his or her own workforce to perform all or a part of the public work; and
   (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

   The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. “Public work” means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:
   (a) Public buildings;
   (b) Jails and prisons;
   (c) Public roads;
   (d) Public highways;
   (e) Public streets and alleys;
   (f) Public utilities;
   (g) Publicly owned water mains and sewers;
   (h) Public parks and playgrounds;
   (i) Public convention facilities which are financed at least in part with public money; and
   (j) All other publicly owned works and property.

17. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:
   (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and
   (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

   that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. “Subcontract” means a written contract entered into between:
   (a) A contractor and a subcontractor or supplier; or
(b) A subcontractor and another subcontractor or supplier,
for the provision of labor, materials, equipment or supplies for a
construction project.
20. “Subcontractor” means a person who:
(a) Is licensed pursuant to the provisions of chapter 624 of NRS or
performs such work that the person is not required to be licensed pursuant to
chapter 624 of NRS; and
(b) Contracts with a contractor, another subcontractor or a supplier to
provide labor, materials or services for a construction project.
21. “Supplier” means a person who provides materials, equipment or
supplies for a construction project.
22. “Wages” means:
(a) The basic hourly rate of pay; and
(b) The amount of pension, health and welfare, vacation and holiday pay,
the cost of apprenticeship training or other similar programs or other bona
fide fringe benefits which are a benefit to the worker.
23. “Worker” means a skilled mechanic, skilled worker, semiskilled
mechanic, semiskilled worker or unskilled worker in the service of a
contractor or subcontractor under any appointment or contract of hire or
apprenticeship, express or implied, oral or written, whether lawfully or
unlawfully employed. The term does not include a design professional.
Sec. 9. NRS 354.474 is hereby amended to read as follows:
354.474 1. Except as otherwise provided in subsections 2 and 3, the
provisions of NRS 354.470 to 354.626, inclusive, apply to all local
governments. For the purpose of NRS 354.470 to 354.626, inclusive:
(a) “Local government” means every political subdivision or other entity
which has the right to levy or receive money from ad valorem or other taxes
or any mandatory assessments, and includes, without limitation, counties,
cities, towns, boards, school districts and other districts organized pursuant to
chapters 244A, [309,] 318 and 379 of NRS, NRS 450.550 to 450.750,
inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or
department of a county or city which prepares a budget separate from that of
the parent political subdivision.
(b) “Local government” includes the Nevada Rural Housing Authority for
the purpose of loans of money from a local government in a county whose
population is less than 100,000 to the Nevada Rural Housing Authority in
accordance with NRS 354.6118. The term does not include the Nevada Rural
Housing Authority for any other purpose.
2. An irrigation district organized pursuant to chapter 539 of NRS shall
fix rates and levy assessments as provided in NRS 539.667 to 539.683,
inclusive. The levy of such assessments and the posting and publication of
claims and annual financial statements as required by chapter 539 of NRS
shall be deemed compliance with the budgeting, filing and publication
requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation
district which levies an ad valorem tax shall comply with the filing and
publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 10. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, “local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS.

Sec. 11. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. “Center” means the State Publications Distribution Center created by NRS 378.170.

2. “Depository library” means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244A, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. “Publication” includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a
state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;
(b) Nevada Reports;
(c) Bound volumes of the Statutes of Nevada;
(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;
(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or
(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. “State agency” includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 12. This act may be cited as the Douglas County Lake Tahoe Sewer Authority Act.

Sec. 13. The Legislature hereby finds and declares that:
1. The provisions of section 22 of this act describe a region which is distinguished by the governance of the only local improvement district currently in existence which is organized under chapter 309 of NRS and the presence of Lake Tahoe, a water system which is governed by a unique combination of state and federal laws.
2. The unique conditions of the area described by section 22 of this act are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special act to enact changes to the management of sewage in that area.
3. Adequate and efficient sewage service is vital to the economic development and well-being of residents in the area described by section 22 of this act.
4. There are currently several different general improvement districts organized under chapter 318 of NRS that administer sewage collection services in the area described by section 22 of this act, which has caused problems in administering sewage services.
5. The well-being of the residents of the area described by section 22 of this act and the long-term economic development of the area described by section 22 of this act are best served by the creation of a single governmental entity, the purpose of which is to secure and develop sustainable sewage services.

Sec. 14. As used in this act, unless the context otherwise requires, the words and terms defined in sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.
Sec. 15. “Authority” means the Douglas County Lake Tahoe Sewer Authority created by section 23 of this act.

Sec. 16. “Board” means the Board of Trustees of the Douglas County Lake Tahoe Sewer Authority.

Sec. 17. “Douglas County” means the county created by and described in NRS 243.045.

Sec. 18. “Lake Tahoe Basin” has the meaning ascribed to it in NRS 538.60.

Sec. 19. “Project” means any structure, facility, undertaking or system which the Authority is authorized to acquire, construct, improve, equip, maintain or operate under the provisions of this act, including, without limitation, sewers, sewage disposal plants, sewage treatment plants and septic tanks and any other materials or construction connected therewith or with the handling or disposal of sewage. A project may consist of all kinds of personal and real property, including, without limitation, land, elements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

Sec. 20. “Service area” means the area described by section 22 of this act.

Sec. 21. “Wastewater Reclamation Facility” means the treatment facility located in Zephyr Cove, Nevada, that treats and disposes of sewage from the service area.

Sec. 22. 1. The service area in which plans for the management of sewage are to be made, pursuant to this act, is the entire area of the Lake Tahoe Basin within the boundaries of Douglas County, except that the Board may:

(a) Exclude from the service area any land which the Board determines is unsuitable for inclusion because of its inability to connect with the Wastewater Reclamation Facility; and

(b) Include in the service area any land otherwise excluded if the owners of the land agree to be governed by this act.

2. The Authority and the Board shall have jurisdiction over the treatment and disposal of sewage and wastewater in the service area.

Sec. 23. 1. The Douglas County Lake Tahoe Sewer Authority is hereby created. The Authority is a public body corporate and politic and a municipal corporation. The purpose of the Authority is to furnish the service area and its inhabitants with an adequate system of sewage collection and treatment and disposal of wastewater by acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems, sewage treatment works, waste mains, tunnels, drains and every form of sewer and sewage treatment or disposal facility, to be devoted wholly or partially for public uses or for revenue producing purposes.
2. The property and revenues of the Authority, any interest of any creditor therein and any possessory interest in or right to use that property which the Authority may grant are exempt from all state, county and municipal taxation.

Sec. 24. By entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, public entities, including, without limitation, a general improvement district organized pursuant to chapter 318 of NRS, may jointly authorize the Authority to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State which are not inconsistent with the provisions of this act.

Sec. 25. The Authority is a public employer within the meaning of NRS 286.070 and the provisions of chapter 286 of NRS apply to the Authority and its employees.

Sec. 26. 1. The Authority must be directed and governed by a Board of Trustees consisting of the following five trustees appointed pursuant to this section:
   (a) One member of the Board of Trustees of the Kingsbury General Improvement District;
   (b) One member of the Board of Trustees of the Round Hill Improvement District;
   (c) One member of the Board of Trustees of the Tahoe-Douglas District;
   (d) One member of the Board of County Commissioners of Douglas County; and
   (e) One person representing the business community within Stateline, Nevada, appointed by the other four trustees.

2. The Board of County Commissioners of Douglas County shall appoint a trustee from its membership for an initial term of 3 years.

3. The Boards of Trustees of the Kingsbury General Improvement District, the Round Hill Improvement District and the Tahoe-Douglas District shall each appoint a trustee from their respective memberships for an initial term of 2 years.

4. The representative of the business community within Stateline, Nevada, appointed by the other trustees pursuant to paragraph (e) of subsection 1 shall serve for an initial term of 1 year.

5. After the initial terms, each trustee who is appointed to the Board serves for a term of 3 years. A trustee may be reappointed.

6. If any position on the Board becomes vacant, including, without limitation, upon the trustee’s loss of any of the qualifications required for his or her appointment, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 27. Each trustee on the Board shall file with the County Clerk of Douglas County:

1. His or her oath of office; and
2. A corporate surety bond furnished at the Authority’s expense, in an amount not to exceed $5,000, and conditioned for the faithful performance of his or her duties as a member of the Board.

Sec. 28. 1. The Board shall elect one of its members as Chair, one of its members as Secretary, and one of its members as Treasurer. The Secretary and Treasurer may be the same person. The terms of the officers expire on December 31 of each year. Trustees may serve consecutive terms in any of the three officer positions.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority.

Sec. 29. 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this section, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

Sec. 30. The Authority has perpetual succession. The Authority, acting pursuant to the Board’s direction, may do all things necessary to accomplish the purposes of this act, including, without limitation:

1. **Except as otherwise provided in this subsection,** administer all activity and business related to the collection and treatment of sewage and wastewater in the service area and the transportation and disposal of sewage and wastewater both within and outside of the service area. **If a public entity within the boundaries of the service area is performing an activity or business related to the collection of sewage and wastewater on the effective date of this act, the Authority may not administer any activity or business related to the collection of sewage and wastewater within the boundaries of that public entity unless otherwise provided by agreement between the public entity and the Authority.**

2. Fix, alter, charge and collect rates, rentals and other charges for the use of facilities controlled by the Authority, including, without limitation, the Wastewater Reclamation Facility, or for the services rendered by the Authority or projects thereof, at reasonable rates, to be determined by the Authority, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and
operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, and to make such rates, rentals and other charges a lien upon the property using such facilities, and provide for a method of enforcing collection of such rates, rentals and other charges.

3. Borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security of said bonds and the rights of the holders thereof.

4. To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, within or without the boundaries of the service area, necessary or desirable for carrying out the purposes of the Authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein, at any time acquired by it.

5. Acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects within or without the service area.

6. Pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of its obligations.

7. Contract with public entities, including, without limitation, a general improvement district organized under chapter 318 of NRS, for the provision of services by the Authority and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of Douglas County or any public governing body therein, with the consent of the respective public entity and subject to such terms and conditions as may be agreed upon.

8. Install and maintain sewer and effluent pipelines, together with all related or necessary improvements along, under or upon public highways, roads, streets and alleys, and to build and erect sewage treatment or disposal facilities and improvements, either within or without the service area, and to compel all property owners within the service area to connect their sewer systems with such system or sewers of the Authority.

9. Acquire by eminent domain proceedings, either the fee or such right, title, interest or easement in such lands and premises, within the service area, as the Authority may deem necessary for any of the purposes mentioned in this act. The right of eminent domain must be exercised by the Authority in the manner provided by law for the exercise of such right, except insofar as such law may be inconsistent with the provisions of this act.

10. Make bylaws for the management and regulation of its affairs.
11. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including, without limitation, fiscal advisors, engineers, attorneys or other professional or specialized personnel.

12. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and personal property, or any combination thereof, as the Authority determines is necessary or convenient for the exercise of any of its powers.

13. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the disposal of wastewater and sewage.

14. Make and enforce all necessary and proper regulations for the collection of sewage, and to make all other sanitary regulations in connection therewith.

15. Sue and be sued, implead and be impleaded, complain and defend in all courts.

16. Adopt, use and alter at will a corporate seal.

17. **Except as otherwise provided in section 33.5 of this act, merge or consolidate with a general improvement district organized under chapter 318 of NRS.**

18. Perform such other functions conferred on the Authority by the provisions of this act.

**Sec. 31.** The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.

**Sec. 32.** The Board shall adopt an ordinance relative to the financing of the Authority, which ordinance shall in itself use the method of financing best suited to the financial condition and welfare of the service area. In this connection, such ordinance may use any of the following methods of financing, or any combination thereof:

1. Current revenue, reserves, state funds or federal funds which may be available and which may by law be used for furthering the purposes of this act.

2. Issuing bonds as provided in NRS 318.320.

3. Borrowing funds from the State or Federal Government, when such funds are available, for carrying out the purposes of this act.

**Sec. 33.** The Authority is exempt from regulation by the Public Utilities Commission of Nevada.

**Sec. 33.5.** The merger or consolidation of the Authority with a general improvement district pursuant to section 30 of this act must be approved by:

1. A majority of the owners of property located within the boundaries of the service area of the Authority; and
2. **Resolution of the Board.**

Sec. 34. The Authority shall assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1, which was organized pursuant to chapter 309 of NRS in 1953 and was abolished on October 1, 2017.

Sec. 34.5. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 35. Douglas County Sewer Improvement District No. 1, which was established under chapter 309 of NRS in 1953, is hereby abolished.


Sec. 37. This act becomes effective:

1. 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

2. On October 1, 2017, for all other purposes.

**LEADLINES OF REPEALED SECTIONS**

309.010 Short title.
309.020 “Publication” defined.
309.025 Districts not to be organized after May 1, 1967.
309.030 Requirements for proposal to organize district; number of divisions and directors.
309.040 Petition for organization of district: Contents; bond; notice.
309.050 Hearing on petition; contiguous lands may be included; order denying or granting petition; submission of question to qualified electors.
309.060 County commissioners to canvass votes; order declaring organization of district and election of directors.
309.065 Extension of additional purposes to districts created pursuant to prior law; procedure; change of name of district.
309.070 Regular elections: Office of director; notice.
309.080 Election unnecessary when no nominations made.
309.090 Voters’ affidavit.
Oaths and bonds of elected directors.

Persons entitled to vote at elections.

Officers; regular and special meetings; quorum; public records; organization of board; vacancies.

General powers of board of directors.

Determination by board that emergency exists to hold special election; action to challenge determination.

Compensation and expenses of directors and officers.

Directors and other officers not to be interested in contracts or profits; penalties.

Power to incur debts and liabilities: Limitations and exceptions.

Formulation of general plan of operations; election to authorize expense.

Form, style and contents of bonds; completion of plan when money from bonds insufficient; prior liens.

Apportionment of costs and assessments according to benefits.

Meeting to review apportionment of benefits: Notice and hearing; proceedings after objection to apportionment.

Confirmation of proceedings by district court: Petition; publication of notice; pleadings.

Examination of proceedings by district court; allowance and apportionment of costs; motions for new trial; appeal.

Sale of bonds: Notice and sale; bonds may be used in payment of construction costs; assessments in lieu of bonds.

Payment of bonds and interest.

Creation of funds; transfers; duties of district treasurer.

Payment of interest from debt service fund; redemption of bonds not due from debt service fund.

County commissioners to have access to books, records and vouchers of district.

Secretary to be district assessor; duties.

Board meeting to correct assessments; notice.

Annual levy; tax for replacement of deficits; county commissioners to act when board fails to levy assessment; duties of certain officers.

When assessments become liens; preferred liens.

Assessment books; entry of assessments on tax rolls; collection of assessments; duties of county officers.

Election to authorize special assessment: Notice; duties of board if assessment authorized; proposition for yearly tax levy.

District’s power to borrow money as general or special obligation of district.
Types of securities authorized: Form and terms of general obligation bonds; limitation on redemption premium.
Submission of proposition of issuing general obligation bonds to electors; contents of resolution.
Notice of election: Form; publication.
Canvass of election returns; declaration of results.
Authorization for issuance and sale of general obligation bonds after election.
Applicability of Local Government Securities Law.
General obligation bonds payable from ad valorem taxes; additional security.
Contracts with United States and all private and public entities.
Alternative authority for issuing general obligation bonds or securities payable from general ad valorem taxes.
Bids: Publication of notice; acceptance; exceptions in emergencies; performance and payment bonds of successful bidder.
When work may be performed without bid.
Payment of costs of acquisition from construction fund or proceeds of general obligation bonds; rates, tolls and charges for operation and maintenance; levy and collection of ad valorem taxes.
Power of board to construct works across watercourses, railways and highways.
Right-of-way granted over state lands.
Powers of district concerning location and construction of improvements subordinate to powers of Nevada Tahoe Regional Planning Agency.
Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.
Board may sell or lease improvements; ratification by electors.
Eminent domain powers of districts; power to purchase; payment of judgment awards within 6 months.
Vested interests used in connection with mining and power development not affected.
Exercise of powers primarily relating to fulfillment of water purposes or sewer purposes not subject to regulation or supervision of Public Utilities Commission of Nevada.
Territory which may be annexed to district.
Procedure.
Petition for annexation: Contents; signatures.
Publication of petition for annexation and notice of hearing.
Hearing; modification of boundaries.
Resolution: Adoption; copies to be filed with county clerk and county recorder.
Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 477.
Bill read third time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 777.

AN ACT relating to persons with disabilities; prescribing certain requirements relating to the zoning of certain facilities that provide residential care; requiring certain residential facilities for groups to be equipped with a fire sprinkler system; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law authorizes the governing bodies of cities and counties to regulate and restrict the improvement of land and to control the location and soundness of structures. (NRS 278.020) Section 7 of this bill requires that in any ordinance adopted by a city or county, the definition of the term “single-family residence” must include: (1) a residential facility for groups in which fewer than 11 persons with disabilities reside with house parents; (2) a home for individual residential care; and (3) a halfway house for recovering alcohol and drug abusers in which fewer than 11 persons reside.
Existing law prescribes certain requirements for various types of residential and health care facilities. (NRS 449.181-449.204) Section 16 of this bill requires a residential facility for groups to be equipped with a fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

Sections 2-4, 6, 10-15 and 17-20 of this bill make conforming changes.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.
Sec. 2. As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. “Halfway house for recovering alcohol and drug abusers” has the meaning ascribed to it in NRS 449.008.

Sec. 4. “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.

Sec. 5. (Deleted by amendment.)

Sec. 6. “Residential facility for groups” has the meaning ascribed to it in NRS 449.017.

Sec. 7. 1. In any ordinance adopted by a city or county, the definition of “single-family residence” must include, without limitation, a:
(a) Residential facility for groups in which more than 2 and fewer than 11 unrelated persons with disabilities reside with:
   (1) House parents or guardians who need not be related to any of the persons with disabilities; and
   (2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.
(b) Home for individual residential care.
(c) Halfway house for recovering alcohol and drug abusers in which fewer than 11 persons reside.

2. The provisions of subsection 1 do not prohibit a definition of “single-family residence” that allows more persons to reside in a residential facility for groups or the regulation of homes that are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purpose relating to zoning.

3. As used in this section, “person with a disability” means a person:
   (a) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;
   (b) With a record of such an impairment; or
   (c) Who is regarded as having such an impairment.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 278.0235 is hereby amended to read as follows:
278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act, unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.
Sec. 11. NRS 278.02788 is hereby amended to read as follows:

278.02788 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

Sec. 12. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the
pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.
(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities thereof, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.
(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

1. In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

2. A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

1. A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

2. A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

3. A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 13. NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act.

Sec. 14. NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act.
Sec. 15. NRS 270.180 is hereby amended to read as follows:

270.180 NRS 270.160 and 270.170 are intended to supplement and not to supersede the existing laws relating to the vacation of city and town plats and do not apply to land divided pursuant to NRS 278.010 to 278.630, inclusive [H], and sections 2 to 8, inclusive, of this act.

Sec. 16. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

A residential facility for groups must be equipped with a residential fire sprinkler system if the facility has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

Sec. 17. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, and section 16 of this act do not apply to:
1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.
2. Foster homes as defined in NRS 424.014.
3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 18. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.
2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, and section 16 of this act and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 19. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, and section 16 of this act upon any of the following grounds:
(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, and section 16 of this act, or of any other law of this State or of the standards, rules and regulations adopted thereunder.
(b) Aiding, abetting or permitting the commission of any illegal act.
(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.
(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.
(e) Failure of the applicant to obtain written approval from the Director of
the Department of Health and Human Services as required by NRS 439A.100
or as provided in any regulation adopted pursuant to NRS 449.001 to
449.430, inclusive, and section 16 of this act and 449.435 to 449.965,
inclusive, if such approval is required.
(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke
a license to operate a facility for the dependent if, with respect to that facility,
the licensee that operates the facility, or an agent or employee of the licensee:
(a) Is convicted of violating any of the provisions of NRS 202.470;
(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
244.3603 or 268.4124; or
(c) Is ordered by the appropriate governmental agency to correct a
violation of a building, safety or health code or regulation but fails to correct
the violation.

3. The Division shall maintain a log of any complaints that it receives
relating to activities for which the Division may revoke the license to operate
a facility for the dependent pursuant to subsection 2. The Division shall
provide to a facility for the care of adults during the day:
(a) A summary of a complaint against the facility if the investigation of
the complaint by the Division either substantiates the complaint or is
inconclusive;
(b) A report of any investigation conducted with respect to the complaint;
and
(c) A report of any disciplinary action taken against the facility.

The facility shall make the information available to the public pursuant to
NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division
shall submit to the Director of the Legislative Counsel Bureau a written
report setting forth, for the previous biennium:
(a) Any complaints included in the log maintained by the Division
pursuant to subsection 3; and
(b) Any disciplinary actions taken by the Division pursuant to subsection
2.

Sec. 20. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS
449.0308, if a medical facility or facility for the dependent violates any
provision related to its licensure, including any provision of NRS 439B.410
or 449.030 to 449.2428, inclusive, and section 16 of this act, or any
condition, standard or regulation adopted by the Board, the Division, in
accordance with the regulations adopted pursuant to NRS 449.165, may:
(a) Prohibit the facility from admitting any patient until it determines that
the facility has corrected the violation;
(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

   (1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

   (2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

   (a) Suspend the license of the facility until the administrative penalty is paid; and

   (b) Collect court costs, reasonable attorney’s fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, and section 16 of this act, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and section 16 of this act and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 20.5. 1. The requirements of section 16 of this act apply to any residential facility for groups that:

   (a) Has three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire; and

   (b) Is in operation on or after July 1, 2017.

2. As used in this section, “residential facility for groups” has the meaning ascribed to it in NRS 449.017.

Sec. 21. This act becomes effective on July 1, 2017.
Assemblyman Flores moved the adoption of the amendment.
Remarks by Assemblyman Flores.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 481.
Bill read third time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 889.

AN ACT relating to disabilities; transforming the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities into the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired in the Office of the Governor; requiring the Governor to appoint a Director of the Commission; requiring the Aging and Disability Services Division of the Department of Health and Human Services to provide personnel, facilities, equipment and supplies to the Commission; revising the duties of the Commission; requiring the Legislative Committee on Health Care to study the sources of money available for certain purposes; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law creates the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of persons with knowledge of issues relating to communications disabilities who are appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. The Subcommittee is authorized to: (1) make recommendations to the Commission concerning programs for persons with communications disabilities; (2) review services of the Division for persons with communications disabilities and advise the Division concerning such services; and (3) advise the Department of Education on ensuring the availability of language and communication services for children with communications disabilities. The Subcommittee is required to make recommendations to the Commission concerning the practices of interpreting and realtime captioning and to the Division concerning certain programs to provide assistive technology to persons with communications disabilities. (NRS 427A.750)

Section 5 of this bill changes the name of the Subcommittee to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. Section 5 also places the Commission in the Office of the Governor and requires the Governor to appoint the members of the Commission. Additionally, section 5 provides for the Commission to: (1)
review the services and practices of all state and local governmental entities relating to persons who are deaf, hard of hearing or speech impaired and advise those entities directly; and (2) provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality of opportunity for such persons. Section 4 of this bill makes a conforming change. Section 3 of this bill requires the Governor to appoint a Director of the Commission, who serves without compensation and performs such duties as directed by the Commission. Section 5.5 of this bill requires the Legislative Committee on Health Care to study grants and other sources of money that may be available to transform the position of Director of the Commission into a full-time, paid position. Section 3 requires the Aging and Disability Services Division to provide the personnel, facilities, equipment and supplies required by the Commission to fulfill its duties.

Section 5.3 of this bill makes an appropriation of $25,000 from the State General Fund to the Commission in each fiscal year of the 2017-2019 biennium for per diem, travel and administrative costs of the Commission.

WHEREAS, Persons who are differently abled make up a significant part of the population of this State; and
WHEREAS, Persons who are deaf, hard of hearing or speech impaired contribute significantly to the general welfare of the people of this State; and
WHEREAS, Assisting persons who are deaf, hard of hearing or speech impaired to communicate effectively is necessary to maximize such contributions and allow such persons to achieve equality in education, employment and socialization; and
WHEREAS, Services that persons who are deaf, hard of hearing or speech impaired receive from state and local governmental agencies help them communicate effectively, maximizing their contributions and allowing them to achieve greater equality; and
WHEREAS, Persons who are deaf, hard of hearing or speech impaired need the ability to communicate effectively with state and local governmental entities to ensure that such persons receive services that are helpful to them in a manner that ensures their dignity and equality; now, therefore

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.
Sec. 2. As used in this section and NRS 427A.750 and section 3 of this act, unless the context otherwise requires, “Commission” means the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750.
Sec. 3. 1. The Governor shall appoint the Director of the Commission. The Director:
   (a) Serves without compensation, at the pleasure of the Governor.
   (b) Shall perform such duties as are directed by the Commission.

2. The Division shall provide the personnel, facilities, equipment and supplies required by the Commission to carry out the provisions of this section and NRS 427A.750.

Sec. 4. NRS 427A.1213 is hereby amended to read as follows:
427A.1213 1. The Commission shall, at its first meeting and annually thereafter, elect a Chair from among its voting members.
2. The Commission shall meet at least quarterly and at the times and places specified by a call of the Director, the Chair or a majority of the voting members of the Commission.
3. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.
4. The Commission shall establish rules for its own governance.
5. Except as otherwise provided in NRS 426.731, the Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

Sec. 5. NRS 427A.750 is hereby amended to read as follows:
427A.750 1. The Subcommittee on Communication Services of Nevada Commission for Persons Who Are Deaf, or Persons Hard of Hearing, or Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities, or Speech Impaired is hereby created [within the Office of the Governor]. The Commission consists of nine members appointed by the [Administrator of the Governor]. The Governor shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the [Administrator of the Governor] the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired:
   (a) One nonvoting member who is employed by the State and who participates in the administration of the programs of this State that provide services to persons with communications disabilities which affect their ability to communicate;
   (b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which
has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with and an interest in and knowledge of the problems of and services for persons who are deaf, hard of hearing or speech-impaired;

(d) One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons who are deaf, hard of hearing or speech-impaired in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The [Subcommittee] Commission shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its voting members; and

(b) Meet at the call of the Governor or the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of its voting members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the [Subcommittee] Commission constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the [Subcommittee] Commission.

6. Members of the [Subcommittee] Commission serve without compensation, except that each member is entitled, while engaged in the business of the [Subcommittee] Commission, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

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

8. The [Subcommittee] Commission may:
   (a) Make recommendations to [the Nevada Commission on Services for Persons with Disabilities] any state agency, including, without limitation, the Division, concerning the establishment and operation of programs for persons [with communications disabilities which affect their ability to communicate] who are deaf, hard of hearing or speech impaired to ensure equal access to state programs and activities.
   (b) Recommend to the [Nevada Commission on Services for Persons with Disabilities] Governor any proposed legislation concerning persons [with communications disabilities which affect their ability to communicate] who are deaf, hard of hearing or speech impaired.
   (c) Collect information concerning persons [with communications disabilities which affect their ability to communicate] who are deaf, hard of hearing or speech impaired.
   (d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the [Subcommittee] Commission must solicit input from various persons, including, without limitation, persons [with communications disabilities] who are deaf, hard of hearing or speech impaired.
   (e) Review the goals, policies, programs and services of state agencies, including, without limitation, the Division [for] that serve persons [with communications disabilities] who are deaf, hard of hearing or speech impaired and advise [the Division] such agencies regarding such goals, policies, programs and services, including, without limitation, the outcomes of services provided to persons [with communications disabilities] who are deaf, hard of hearing or speech impaired and the requirements imposed on providers.
   (f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.
   (g) Consult with the personnel of any state agency, including, without limitation, the Division, concerning any matter relevant to the duties of the Commission. A state agency shall make available to the Commission any officer or employee of the agency with which the Commission wishes to consult pursuant to this paragraph.

9. The [Subcommittee] Commission shall [make]:
   (a) Make recommendations to [the Nevada Commission on Services for Persons with Disabilities] any state agency, including, without limitation, the Division, concerning the establishment and operation of programs for persons [with communications disabilities which affect their ability to communicate] who are deaf, hard of hearing or speech impaired to ensure equal access to state programs and activities.
(a) The Nevada Commission on Services for Persons with Disabilities, the Division concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) Make recommendations to the Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

(c) Provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality for such persons in education, employment and socialization and referrals for such services and resources;

(d) Review the procedures and practices of state and local governmental entities to ensure that persons who are deaf, hard of hearing or speech impaired have equal access to resources and services provided by those governmental entities; and

(e) Make recommendations to state and local governmental entities concerning:

   (1) Compliance with laws and regulations concerning persons who are deaf, hard of hearing or speech impaired, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

   (2) Improving the health, safety, welfare and comfort of persons who are deaf, hard of hearing or speech impaired; and

   (3) Integrating services and programs for persons who are deaf, hard of hearing or speech impaired and improving cooperation among state and local governmental entities that provide such services.

10. As used in this section:

   (a) “Nevada Commission on Services for Persons with Disabilities” means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

   (b) “Practice of interpreting” has the meaning ascribed to it in NRS 656A.060.

   (c) “Practice of realtime captioning” has the meaning ascribed to it in NRS 656A.062.

   (d) “Telecommunications relay services” has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 5.3. 1. There is hereby appropriated from the State General Fund to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750, as amended by section 5 of this act, for per diem, travel and administrative costs of the Commission the following sums:

For the Fiscal Year 2017-2018 ............................................................... $25,000
For the Fiscal Year 2018-2019 ............................................................... $25,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to
which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 5.5. During the 2017-2018 interim, the Legislative Committee on Health Care shall study grants and other sources of money that may be available to transform the position of Director of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, appointed pursuant to section 3 of this act, into a full-time, paid position. On or before September 1, 2018, the Committee shall submit its findings to:

1. The Aging and Disability Services Division of the Department of Health and Human Services;
2. The Governor; and
3. The Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Legislature.

Sec. 6. Notwithstanding the amendatory provisions of this act, a member of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities who was appointed pursuant to NRS 427A.750 as that section existed on June 30, 2017, and who is serving a term on July 1, 2017, is entitled to serve the remainder of the term to which he or she was appointed as a member of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750, as amended by section 5 of this act.

Sec. 7. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.
Remarks by Assemblyman Sprinkle.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Senate Bill No. 481 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 421 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.
Senate Joint Resolution No. 1.
Resolution read third time.
The following amendment was proposed by the Committee on Corrections, Parole, and Probation:
Amendment No. 792.
SUMMARY—Proposes to amend the Nevada Constitution to [replace] express provide for the State Board of Pardons Commissioners [with the Clemency Board] and [require the Legislature to provide for] revise the [organization and] duties of the [Clemency] State Board [of Pardons Commissioners]. (BDR C-567)
SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to [replace] expressly provide for the State Board of Pardons Commissioners [with the Clemency Board] and [require the Legislature to provide for] revise the [organization and] duties of the [Clemency] State Board [of Pardons Commissioners].
Legislative Counsel’s Digest:
Under the Nevada Constitution and existing law, the State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General. (Nev. Const. Art. 5, § 14; NRS 213.010)
The Nevada Constitution does not expressly provide for a State Board of Pardons Commissioners, but rather establishes the authority, powers and duties of the Board. Further, the Nevada Constitution requires the Governor to vote in the majority for any action. (Nev. Const. Art. 5, § 14)
This joint resolution proposes to amend the Nevada Constitution to: (1) [replace] expressly provide for the State Board of Pardons Commissioners [with the Clemency Board consisting of nine members appointed by the Governor, the Chief Justice of the Supreme Court and the Attorney General to carry out the duties currently carried out by the State Board of Pardons Commissioners;] (2) [provide that at least five members appointed to the Clemency Board must have experience working in the criminal justice system;] eliminate the requirement that the Governor vote in the majority for any action; (3) [require the Legislature to provide for the organization and duties of the Clemency Board;] and (4) [require the [Clemency] State Board of Pardons Commissioners to meet at least quarterly;] (4) authorize any member of the State Board of Pardons Commissioners to submit matters for consideration by the Board; and (5) [provide that a majority of the members of the State Board of Pardons Commissioners is sufficient for any action taken by the Board. (Nev. Const. Art. 5, § 14)]
Resolved by the Senate and Assembly of the State of Nevada, Jointly, That Section 14 of Article 5 of the Nevada Constitution be amended to read as follows:
Sec. 14. 1. The governor, justices of the supreme court, and attorney general [or a major part of them, of whom the governor] shall be one. There is hereby created a Clemency Board of Pardons Commissioners.

2. The Clemency Board consists of nine members, at least five of whom must have experience working in the criminal justice system. The Governor, the Chief Justice of the Supreme Court and the Attorney General shall each appoint three members to the Clemency Board. The Legislature shall provide by law for:

   (a) The organization of the Clemency Board, including, without limitation, the qualifications and terms of the members of the Clemency Board; and

   (b) The duties of the Clemency Board and its members.

3. The State Board of Pardons Commissioners may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection 2, 3, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

2. 4. Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.

3. 5. The State Board of Pardons Commissioners shall meet at least quarterly.

5. Any member of the State Board of Pardons Commissioners may submit matters for consideration by the State Board of Pardons Commissioners.

6. A majority of the members of the State Board of Pardons Commissioners is sufficient for any action taken by the State Board of Pardons Commissioners.

7. The Legislature is authorized to pass laws conferring upon the district courts authority to suspend the execution of sentences, fix the conditions for, and to grant probation, and within the minimum and maximum periods authorized by law, fix the sentence to be served by the person convicted of crime in said courts.

Assemblyman Ohrenschall moved the adoption of the amendment.
Remarks by Assemblyman Ohrenschall.
Amendment adopted.
Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.
Bill read third time.
Remarks by Assemblywoman Spiegel.
Assemblywoman Spiegel:
Assembly Bill 106, as amended, requires the Administrator of the Purchasing Division of the Department of Administration to establish a vendor certification program to certify vendors and that allows vendors to self-certify that employees receive equal pay for equal work regardless of gender. The bill becomes effective on January 1, 2018, and expires by limitation on June 30, 2021.

Roll call on Assembly Bill No. 106:
YEAS—30.
EXCUSED—Ellison.
Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 175.
Bill read third time.
Remarks by Assemblymen McCurdy and Marchant.

Assemblyman McCurdy:
Assembly Bill 175 establishes the minimum level of health benefits an employer must make available to an employee in order to pay the minimum wage that is lower than the minimum wage otherwise required to be paid to the employee. This bill is effective upon passage and approval.

Assemblyman Marchant:
I rise today in opposition to Assembly Bill 175. As a small business owner myself, I can tell you first-hand that this legislation would raise administrative and personnel costs. Most businesses would struggle to afford this, and it could have devastating effects on those businesses. They are often family owned and operated and struggle even in the best of times. I urge my colleagues to join me in casting a no vote.

Roll call on Assembly Bill No. 175:
YEAS—27.
EXCUSED—Ellison.
Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 303.
Bill read third time.
Remarks by Assemblyman Araujo.

Assemblyman Araujo:
Assembly Bill 303 requires, with certain exceptions, that all correctional facilities in this state must be under the administrative and direct operational control of the state or a local government and core correctional services must be performed by employees of the state or local government.

As a result of the growing male inmate population and limited capacity within the state, the Department of Corrections, until June 30, 2022, is allowed to enter into one or more contracts with private entities to perform core correctional services to promote the safety of prisoners, employees of prisons, and the public by reducing overcrowding in prisons. Any such private entity must comply with the requirements for housing, custody, medical and mental health
treatment and programming set forth in law and regulation and approved by the Board of State Prison Commissioners. The Department is required to conduct an onsite inspection twice a year of private facilities where prisoners are housed to ensure compliance. Lastly, the Director is required to submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

Roll call on Assembly Bill No. 303:
YEAS—38.
NAYS—Paul Anderson, Marchant, Titus—3.
EXCUSED—Ellison.
Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 327.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 327, as amended, allows a person who is given a dishonorable discharge from probation to apply to the court for the sealing of records relating to the conviction if he or she is otherwise eligible to have the records sealed. The bill also reduces the length of certain periods that a person is required to wait before petitioning a court to have records sealed and removes the requirement that a petition be accompanied by the petitioner’s current, verified records received from criminal justice agencies. Assembly Bill 327 also authorizes the court to order the records sealed without a hearing if the prosecuting attorney stipulates to the sealing of the records. Additionally, the bill provides that upon filing of a petition for the sealing of the records, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

Roll call on Assembly Bill No. 327:
YEAS—36.
NAYS—Krasner, Marchant, McArthur, Oscarson, Titus—5.
EXCUSED—Ellison.
Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 343.
Bill read third time.
Remarks by Assemblyman Ohrenschant.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 343 requires the Legislative Committee on Health Care to look at the issue of group homes in southern Nevada. As I, and I am sure many other members, have group homes in our district that do care for adults who cannot live on their own, their sustainability has become an issue. It is an issue that was brought to me during the interim. That is why I am hoping this study will look at whether what is being provided by the state to these group homes really keeps them feasible in terms of their ability to function and to provide a place for the residents who live there. I urge your support.
Roll call on Assembly Bill No. 343:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 366.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:
Assembly Bill 366, as amended, establishes four behavioral health regions and a regional behavioral health policy board for each region. Each board is required to: (1) advise the Department of Health and Human Services, the Division of Public and Behavioral Health, and the Commission on Behavioral Health on certain regional behavioral health issues; (2) promote improvements in the delivery of behavioral health services; (3) coordinate and exchange information with other policy boards to provide unified recommendations regarding behavioral health services; (4) review data collection and reporting standards relating to behavioral health information; and (5) submit a report to the Commission, which includes the priorities and needs of the policy board’s behavioral health region.

Roll call on Assembly Bill No. 366:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 402.
Bill read third time.
Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:
Assembly Bill 402, as amended, provides for the submission of a ballot question at the November 2018 General Election seeking approval to amend the Sales and Use Tax Act of 1955 to provide an exemption for feminine hygiene products and diapers. This bill amends the Local School Support Tax Law to provide an identical exemption. This tax exemption would become effective January 1, 2019, and would expire by limitation on December 30, 2028, if the amendment to the Sales and Use Tax Act is approved at the general election in 2018.

Roll call on Assembly Bill No. 402:
YEAS—38.
NAYS—Hansen, Marchant, McArthur—3.
EXCUSED—Ellison.
Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Assembly Bill No. 428.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 428, as amended, authorizes a pharmacist to furnish an opioid antagonist without a prescription under certain circumstances. In addition, the bill prohibits the development of standardized procedures and protocols that prohibit a pharmacist from dispensing an opioid antagonist without a prescription.

Roll call on Assembly Bill No. 428:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Bill No. 428 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 492.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
Assembly Bill 492 removes the provision requiring the Legislature to set the maximum dollar amount of transferrable tax credits on a biennial basis and instead provides that beginning on July 1, 2017, the total amount of transferrable tax credits the Office of Economic Development is allowed to approve for the production of films and certain other productions is $10 million per fiscal year. Further, this bill specifically provides that any portion of the $10 million per fiscal year for which transferrable tax credits have not been previously approved may be carried forward and made available for approval during the next or any future fiscal year.
This bill becomes effective on July 1, 2017.

Roll call on Assembly Bill No. 492:
YEAS—33.
EXCUSED—Ellison.
Assembly Bill No. 492 having received a constitutional majority,
Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES
Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 41, 151, 199, and 270 be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING
Senate Bill No. 47.
Bill read third time.
Remarks by Assemblyman Brooks.
Assemblyman Brooks:

Senate Bill 47 makes various changes relating to the appropriation of water. Specifically, the bill does the following: requires the State Engineer to prepare a water budget and inventory of groundwater for each basin in the state; revises the application and notice requirements for applications to appropriate water; provides that if the records of the State Engineer indicate four or more consecutive years of nonuse of water, the State Engineer must notify the owner of the nonuse and the owner has one year to provide proof of beneficial use of water to avoid forfeiture; provides certain considerations that must be used by the State Engineer in determining whether or not to grant an extension to work a forfeiture; increases to five years the maximum period for a single extension to file proofs for any manner of use, to match the maximum period allowed for a municipal/quasi-municipal use; and makes clarifying changes to the Southern Nevada Water Authority Act.

Roll call on Senate Bill No. 47:
YEAS—31.
EXCUSED—Ellison.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 125.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

Assemblyman Ohrenschall:

Senate Bill 125 reduces the waiting period for certain persons to petition a court for the sealing of their criminal records.

Roll call on Senate Bill No. 125:
YEAS—35.
EXCUSED—Ellison.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 136.
Bill read third time.
Remarks by Assemblywoman Titus.

Assemblywoman Titus:

Senate Bill 136 establishes within the Department of Health and Human Services the Palliative Care and Quality of Life Consumer and Professional Information and Education Program. The bill also creates within the Department the Advisory Council on Palliative Care and Quality of Life for the purpose of consulting with and advising the Department on matters related to the establishment, maintenance, operation, and outcomes of palliative care programs and initiatives in this state and to advise and assist in the creation and carrying out of the Program.

The Department is required to maintain an Internet website with links to appropriate external Internet websites offering information concerning: (1) the delivery of palliative care in the home and in primary, secondary, and tertiary environments; (2) best practices for the delivery of
palliative care; and (3) education materials and referral information for palliative and hospice care.

On or before January 1, 2018, the Department shall encourage all hospitals, assisted living facilities, and facilities for skilled nursing within this state with 100 beds or more to educate their physicians, nurses, and clinical staff members regarding palliative care and provide information to patients or residents regarding palliative care.

Roll call on Senate Bill No. 136:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Senate Bill 185 prohibits a seller or lessor of consumer goods or services who uses a form contract from including in the contract a provision that: (1) limits or requires the consumer to waive his or her rights to provide a review, comment, or other statement concerning the seller or lessor of the goods or services; (2) imposes a penalty on the consumer for providing such a review, comment, or other statement; or (3) declares that the provision of such a review, comment, or other statement is a breach of the contract. Further, any such provision included in a form contract is unenforceable.

Senate Bill 185 also specifies that a person may not lease for personal use any living animal or household goods if the animal or goods have no more than a de minimis residual financial value at the end of the term of the lease or contract. The bill does provide an exception for leases on contracts for furniture or household electronics. Also, S.B. 185 specifies that a retail installment contract for the sale of such items is subject to the provisions of the federal Truth in Lending Act.

Roll call on Senate Bill No. 185:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:
Senate Bill 209 allows the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers if the Commissioner deems an independent audit to be in the best interest of the residents of Nevada. The Commissioner may adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant, or financial planner for consultation or related advice on the purchase of individual or group life or health insurance for an individual or group annuity.
Roll call on Senate Bill No. 209:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 227 authorizes a qualified advanced practice registered nurse [APRN] to sign, certify, stamp, verify, or endorse certain documents when a signature, certification, stamp, verification, or endorsement by a physician is required.

The measure also authorizes an APRN to make certain qualifications, diagnoses, and determinations required to be made by a physician or other provider of health care.

This bill is effective upon passage and approval for the purpose of adopting regulations and on January 1, 2018, for all other purposes.

Roll call on Senate Bill No. 227:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 239 provides that a unit-owners’ association may enter upon vacant property without liability for trespass to abate water leaks, sewage leaks, or mold that threatens imminent damage or is damaging the common elements of the property or another unit. If an association or its employee enters upon the grounds or interior of a unit to conduct remediation, it may only do so to the extent reasonably necessary to protect health and safety, avoid blight or deterioration of the unit or surrounding units, or protect the use and enjoyment of nearby units.

If the unit in question is vacant, the association may enter the grounds and interior to remove damage or remediate if the unit’s owner refuses to do so, only after notice is given but before a hearing.

If the unit in question is vacant and not in the foreclosure process, the association may not remove any damage or remediate the damage unless the association notifies each holder of a recorded security interest of its intent to maintain the exterior of the unit or abate a public nuisance.

Roll call on Senate Bill No. 239:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 933.

AN ACT relating to wildlife; amending the definition of “trap” to exclude certain devices; requiring the Department of Wildlife to develop standard language for certain signs required to be posted in areas in which trapping may occur; requiring, with limited exception, each trap, snare or similar device used by a person in the taking of wild animals which is not registered with the Department, to bear the name and address of the owner; revising the fee to register a trap, snare or similar device; authorizing a person to remove or disturb a trap, snare or similar device under certain circumstances; **expanding the requirement that a person who takes or causes to be taken any wild mammals by means of certain traps, snares or similar devices must visit such trap, snare or similar device at a certain frequency to include all traps, snares or similar devices;** revising the circumstances under which a person is prohibited from placing or setting a trap, snare or similar device within 200 feet of any public road or highway; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “trap” for purposes of title 45 of NRS governing wildlife to mean a device that is designed, built or made to close upon or hold fast any portion of an animal. (NRS 501.089) **Section 1** of this bill specifies that the term does not include (1) any cage or box trap, not of suitcase type or live beaver trap; or (2) any device that is designed, built or made to close upon or hold fast certain vertebrate pests, such as mice and rats.

Existing law defines the terms “to trap,” “trapping” and “trapped” for purposes of title 45 of NRS governing wildlife to mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing. (NRS 501.090) **Section 2** of this bill amends the definition of the words “to trap,” “trapping” and “trapped” to delete the term “wildlife” and substitute the term “animal.”

**Section 3** of this bill requires the Department of Wildlife to develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area of this State. **Section 3** also requires each state agency which manages any public land in this State in which trapping
may occur to ensure that each sign: (1) includes any standard language developed by the Department; and (2) is posted in certain locations specified by the Department.

Existing law authorizes each trap, snare or similar device used by a person in the taking of wild mammals to be registered with the Department of Wildlife before it is used. Existing law also requires each registered trap, snare or similar device to bear a number which is assigned by the Department. A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. (NRS 503.452) 

Section 5 of this bill requires, with limited exception, that a trap, snare or similar device used by a person in the taking of wild mammals that is not registered with the Department must bear the name and address of the person who owns the trap, snare or similar device. Section 5 also requires the number assigned by the Department for a registered trap, snare or similar device or the name and address of the person who owns an unregistered trap, snare or similar device to be clearly stamped on the trap, snare or similar device or on a metal tag which is attached to the trap, snare or similar device. Section 5 further revises the fee to register a trap, snare or similar device from $10 per person who registers a trap to $5 per trap, snare or similar device.

Existing law makes it unlawful to remove or disturb the trap, snare or similar device of a holder of a trapping license while the trap, snare or similar device is being legally used by the holder. (NRS 503.454) Section 6 of this bill authorizes a person to: (1) remove or disturb the trap, snare or similar device if it creates an immediate risk of physical injury or death to a person or animal; and (2) release any person or animal accompanying the person from a trap, snare or similar device in which the person or animal is caught. Section 4 of this bill makes a conforming change.

Existing law requires a person who takes or causes to be taken any wild mammal by means of a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammal to visit the trap, snare or similar device at a frequency specified in regulation by the Board of Wildlife Commissioners. (NRS 503.570) Section 7.2 of this bill expands this visitation requirement to require a person who takes or causes to be taken any wild mammal by means of a trap, snare or similar device to visit any trap, snare or similar device at the frequency specified in regulation, not just a trap, snare or similar device that does not, or is not designed to, cause immediate death to the mammal.

Existing law prohibits a person, company or corporation from placing or setting a certain type of large steel trap within 200 feet of any public road or highway, unless the trap is placed or set inside, along or near a fence upon privately owned land. (NRS 503.580) Section 7.5 of this bill expands this prohibition to include any trap, snare or similar device used for the purpose of trapping mammals.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.089 is hereby amended to read as follows:
501.089 “Trap” means a device that is designed, built or made to close
upon or hold fast any portion of an animal. The term does not include:
1. Any cage or box trap, net or suitcase-type live beaver trap; or
2. Any device that is designed, built or made to close upon or hold
fast any vertebrate pest as defined in NRS 555.005.

Sec. 2. NRS 501.090 is hereby amended to read as follows:
501.090 The words “to trap” and their derivatives, “trapping” and
“trapped,” mean to set or operate any device, mechanism or contraption that
is designed, built
or made to close upon or hold fast any wildlife animal and every act of
assistance to any person in so doing.

Sec. 3. Chapter 503 of NRS is hereby amended by adding thereto a new
section to read as follows:
1. Each state agency which manages any public land in this State in
which trapping may occur shall ensure that each sign for which the
Department develops standard language pursuant to subsection 2 includes
that language and is posted:
(a) At each visitor center, kiosk, trailhead or other location specified by
the Department; and
(b) In a place in which the sign is readily observable by members of the
public at the visitor center, kiosk, trailhead or other location.

2. The Department shall:
(a) Develop standard language for inclusion in any sign that is used to
warn a person that trapping may occur in any area in this State; and
(b) Develop the standard language specified in paragraph (a) in
cooperation with each federal or state agency which manages any public
land in this State in which trapping may occur.

Sec. 4. NRS 503.015 is hereby amended to read as follows:
503.015 1. Except as otherwise provided in NRS 503.454, it is
unlawful for a person, or a group of people acting together, to intentionally
interfere with another person who is lawfully hunting or trapping. For the
purpose of this subsection, hunting or trapping is “lawful” only if permitted
by the owner or person in possession of the land, other than the government,
in addition to any requirement of license or permit from a public authority.
2. The provisions of subsection 1 do not apply to any incidental
interference arising from lawful activity by users of the public land, including
without limitation ranchers, miners or persons seeking lawful recreation.

Sec. 5. NRS 503.452 is hereby amended to read as follows:
503.452 1. Except as otherwise provided in subsection 2, subsections
2 and 3, each trap, snare or similar device used by a person in the taking of
wild mammals must be registered with the Department before it is
used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is [affixed to or marked] **clearly stamped** on the trap, snare or similar device [in the manner specified by regulations adopted by the Commission] or on a metal tag that is attached to the trap, snare or similar device. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred. **For each trap, snare or similar device registered with the Department, the person registering the trap, snare or similar device must pay a registration fee of $5.**

2. **Except as otherwise provided in subsection 3, if a trap, snare or similar device is not registered with the Department pursuant to subsection 1, before it can be used in the taking of wild animals, it must have the name and address of the person who owns the trap, snare or similar device:**
   (a) **Clearly stamped upon the trap, snare or similar device; or**
   (b) **On a metal tag that is attached to the trap, snare or similar device.**

3. **The provisions of subsections 1 and 2 do not apply to a trap, snare or similar device used:**
   (a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;
   (b) For the control of rodents by an institution of the Nevada System of Higher Education;
   (c) By any federal, state or local governmental agency; or
   (d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

3. **A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.**

4. **It is unlawful:**
   (a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.
   (b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.
6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

7. If a trap, snare or similar device has been used exclusively on private property pursuant to paragraph (a) of subsection 3, before the trap, snare or similar device is used on any public land in this State, the owner of the trap, snare or similar device must:

(a) Register the trap, snare or similar device pursuant to subsection 1; or
(b) Pursuant to subsection 2, have his or her name and address:

(1) Clearly stamped on the trap, snare or similar device; or
(2) On a metal tag that is attached to the trap, snare or similar device.

Sec. 6. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by trap, snare or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. Except as otherwise provided in subsection 3, it is unlawful to remove or disturb the trap, snare or similar device of any holder of a trapping license while the trap, snare or similar device is being legally used by the holder on public land or on land where the holder has permission to trap.

3. A person may:

(a) Remove or disturb a trap, snare or similar device if the trap, snare or similar device creates an immediate risk of physical injury or death to any person or animal accompanying a person.

(b) Release any person or animal accompanying a person from a trap, snare or similar device in which the person or animal is caught.

Sec. 7. (Deleted by amendment.)

Sec. 7.2. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or similar devices (which do not, or are not designed to, cause immediate death to the mammals) shall, if the traps, snares or similar devices are placed or set to take mammals, visit or cause to be visited each trap, snare or similar device at a frequency specified in regulations adopted by the Commission pursuant to subsection 3 during all of the time the trap, snare or similar device is placed, set or used to take wild mammals, and remove therefrom any animals caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices (which do not, or are not designed to, cause immediate death to the mammals) must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission
shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 7.5. NRS 503.580 is hereby amended to read as follows:

503.580 1. For the purposes of this section, “public road or highway” means:

(a) A highway designated as a United States highway.
(b) A highway designated as a state highway pursuant to the provisions of NRS 408.285.
(c) A main or general county road as defined by NRS 403.170.

2. It is unlawful for any person, company or corporation to place or set any [steel] trap, snare or similar device used for the purpose of trapping mammals [larger than a No. 1 Newhouse trap] within 200 feet of any public road or highway within this State.

3. This section does not prevent the placing or setting of any [steel] trap, snare or similar device inside, along or near a fence which may be situated less than 200 feet from any public road or highway upon privately owned lands.

Sec. 8. (Deleted by amendment.)
Sec. 8.5. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2017.

Assemblywoman Swank moved the adoption of the amendment.
Remarks by Assemblywoman Swank.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 370.
Bill read third time.
Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:
Senate Bill 370 makes it unlawful to use a helicopter to transport game, hunters, or hunting equipment except when the loading and unloading of the cargo and passengers takes place at an airport, landing field, or heliport that is established by a governmental entity and is accessible by a public road or is done in the course of an emergency or search and rescue operation.

Roll call on Senate Bill No. 370:
YEAS—40.
NAYS—Marchant.
EXCUSED—Ellison.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 371.
Bill read third time.
Remarks by Assemblywoman Cohen.
ASSEMBLYWOMAN COHEN:

Senate Bill 371 provides that if an animal is impounded by a county in the lawful arrest and detainment of a person for more than seven days, the county must notify the person of the impoundment and transfer the animal to someone authorized by them if the county determines that person is able to provide adequate care and shelter to the animal. If there is no such authorized person, the county must allow another person who is able to provide adequate care and shelter to temporarily care for and, with permission of the owner, adopt the animal.

The bill also provides that if the person is convicted of the crime for which he or she was lawfully arrested, the county may, by legal action, recover the reasonable cost of care and shelter furnished to the animal by the county. Finally, the measure defines “animal” to exclude cattle, sheep, goats, swine, or poultry unless the animal is domesticated and kept as a pet.

Roll call on Senate Bill No. 371:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 144 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 324 be taken from the Chief Clerk’s desk and placed and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 383.
Bill read third time.
Remarks by Assemblywomen Bustamante Adams and Tolles.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 383 revises the definition of financial planner to remove the exclusions for a broker-dealer, a sales representative, and an investment adviser, thereby making such persons subject to the provisions of existing law governing financial planners with the exception of requirements related to the maintenance of certain insurance or surety bonds.

ASSEMBLYWOMAN TOLLES:

I rise today in opposition to Assembly Bill 383. This bill could have extremely damaging consequences for those Nevadans who are career financial planners. While I, and many of my colleagues, understand the need for some level of regulation here to protect Nevada families, this goes one step too far and will make it very risky for those who work in finance to continue to practice here. I urge my colleagues to vote no.

Roll call on Senate Bill No. 383:
YEAS—27.
EXCUSED—Ellison.
Senate Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 388.
Bill read third time.
Remarks by Assemblyman Thompson.

**ASSEMBLYMAN THOMPSON:**

Senate Bill 388 requires an employment agency that contracts with persons who provide nonmedical personal care services in the home to elderly individuals and individuals with disabilities to obtain a license from the State Board of Health. The bill also: (1) specifies the nonmedical services such agencies may perform; (2) requires the Board to adopt regulations governing licensure of such employment agencies; (3) requires an employment agency to conduct certain background checks on persons with whom it contracts; and (4) imposes civil penalties on such an agency for failing to conduct required background checks.

Roll call on Senate Bill No. 388:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 388 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 420.
Bill read third time.
Remarks by Assemblywoman Swank.

**ASSEMBLYWOMAN SWANK:**

Senate Bill 420 requires the board of trustees of each school district, the governing body of each charter school, the governing body of each university school for profoundly gifted pupils, and the Board of Regents of the University of Nevada to adopt a written policy for student publications which establishes reasonable provisions governing the time, place, and manner for distribution; protects the right of expression of student-journalists; and includes a disclaimer that content of such publications is not endorsed by the relevant educational institution or other related entities. The policy must also prohibit certain content restrictions, as well as certain actions against advisers acting in the scope of their position and students acting in accordance with the policy.

Roll call on Senate Bill No. 420:

YEAS—30.
EXCUSED—Ellison.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 509.
Bill read third time.
Remarks by Assemblyman Edwards.
ASSEMBLYMAN EDWARDS:

Senate Bill 509 authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services, after polling the operators of agencies to provide personal care services in the home and the operators of certain medical facilities in an operator group and receiving an affirmative vote from at least 67 percent of the group, to impose by regulation an assessment on those operators. The revenue generated must be expended to increase payments to Medicaid providers unless new federal laws or regulations are enacted or adopted prohibiting the use of such revenue for these purposes.

The bill requires the Division to adopt regulations establishing administrative penalties for failure to pay an assessment. If an operator fails to pay a penalty or assessment within 30 days of the date on which it is due, the Division may deduct the unpaid amount from future payments owed to the operator by Medicaid. Before doing so, the Division must notify the operator of the intended deduction and may negotiate a payment plan.

Roll call on Senate Bill No. 509:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 509 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 519 makes a supplemental appropriation of General Funds to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall in adoption subsidies in Fiscal Year 2017 as follows: Washoe County Child Welfare, $15,608, and Clark County Child Welfare, $377,244. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 519:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.

Senate Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 525.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 525 makes a supplemental appropriation of $34,358 from the State General Fund to the Nevada Highway Patrol Division of the Department of Public Safety for a projected shortfall related to higher than anticipated costs for providing protective services for dignitaries visiting the state of Nevada. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 525:

YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 526.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 526 appropriates General Funds to the Division of Child and Family Services of the Department of Health and Human Services for a projected shortfall related to the Certified Public Expenditure [CPE] cost settlement of the Children’s Mental Health cost allocation plan for Fiscal Year 2014-2015. The CPE cost settlement is an annual process whereby the Medicaid revenue is reconciled against its corresponding Medicaid-eligible expenditures.

The appropriation is allocated to the following budgets: Northern Nevada Child and Adolescent Services, $201,329, and Southern Nevada Child and Adolescent Services, $1,156,544. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 526:

YEAS—41.

NAYS—None.

EXCUSED—Ellison.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 52 and 472; Senate Bills Nos. 41, 116, 138, 151, 156, 162, 199, 230, 233, 268, 270, 292, 322, 323, 324, 369, 386, 400, and 502; Senate Joint Resolutions Nos. 4, 5, 8, 12, and 13 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 113.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 244.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 179, Amendment No. 779, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 715 to Senate Bill No. 163; Assembly Amendment No. 746 to Senate Bill No. 165; Assembly Amendment No. 683 to Senate Bill No. 255; Assembly Amendment No. 713 to Senate Bill No. 374.
Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 765 to Senate Bill No. 258.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 414.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS


GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Shaver, Rose Shaver, and Mary Heine.


On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Lear Bowen.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, May 25, 2017, at 11:30 a.m. Motion carried.

Assembly adjourned at 8:44 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly