

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 19, 2019

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hambrick and Munk, who were excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Almighty God, we ask You to bless, strengthen, and guide all those who serve and those who work in the People's House. When we feel the hurriedness of life, help us all to find the time and the place where we may be still and know that You are God.

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 Commerce and Labor, to which was referred Assembly Bill No. 290, 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 Commerce and Labor, to which were referred Assembly Bills Nos. 432, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 114, 168, 235, 304, 358, 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 34, 240, 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 Government Affairs, to which was referred Assembly Bill No. 56, 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 Government Affairs, to which were referred Assembly Bills Nos. 257, 416, 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 Government Affairs, to which was referred Assembly Bill No. 280, 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 Government Affairs, to which were referred Assembly Bills Nos. 297, 382, 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 Growth and Infrastructure, to which was referred Senate Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 288, 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 Growth and Infrastructure, to which were referred Assembly Bills Nos. 337, 465, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 129, 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 Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 20, 267, 286, 301, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 381; Senate Bills Nos. 262, 442.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 9, 21, 24, 25, 72, 88, 154, 197, 201, 223, 258, 298, 382, 396, 398, 435, 436, 463, 475, 482.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 265.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 283.

MARK KRMPOTIC
Fiscal Analysis Division

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that the Assembly withdraw Senate Bill No. 131 from the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 131 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Standing Rules Nos. 110 and 113 be suspended, reading so far have considered Second Reading, and that Senate Bill No. 358 be declared an emergency measure under the constitution and placed at the top of General File for final passage.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 9.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 21.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 24.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 25.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 72.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 88.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 154.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 197.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 201.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 223.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 258.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 262.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 298.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 382.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 396.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 398.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 435.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 436.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 442.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 463.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 475.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 482.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Senate Bill 358 declares that it is the policy of Nevada to encourage and accelerate the development of new renewable energy projects. An electric utility is authorized to acquire, without additional approval of the Public Utilities Commission of Nevada [PUCN], an existing renewable energy facility or a renewable energy facility that is being developed if the electric

utility meets certain conditions. The measure also authorizes an electric utility that intends to acquire or construct a renewable energy facility to request approval of the PUCN to exclude the renewable energy facility from its base rate and the expenses associated with the facility from its revenue requirement and instead charge a just and reasonable rate established by the PUCN for the electricity generated by the facility.

The bill revises the portfolio standard for calendar year 2021 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 in an amount that is not less than 50 percent of the total amount of electricity sold by the provider to its retail customers in Nevada during that calendar year. The measure also revises the manner in which a provider of electric service may comply with the portfolio standard.

The measure expands the definition of “provider of electric service” for the purposes of compliance with the portfolio standard and the definition of renewable energy with respect to the kinds of waterpower that are considered renewable energy.

A cooperative, nonprofit corporation and an association supplying utility services solely to its own members are under the jurisdiction of the PUCN for the purpose of complying with the renewable portfolio standard.

I stand in support of Senate Bill 358. This is an important measure. It is going to be important for moving our state forward. This is going to create tens of thousands of good-paying jobs for hard-working Nevada families. It is going to bring in billions of dollars that are currently going out of state for fossil fuels so they can be invested right here at home in our local clean energy sources. It is also going to remove pollution that is harmful both to public health and to our climate. I urge my colleagues to support Senate Bill 358.

Roll call on Senate Bill No. 358:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 15 provides that any person who causes to be prepared or delivered to another person any document that simulates a summons, complaint, judgment, order, or other legal document for certain purposes is guilty of a category D felony. This measure also revises provisions governing crimes related to certain financial transactions including those involving cryptocurrency and property. Each violation involving one or more monetary instruments, financial transactions, or property valued at \$5,000 or more is a separate offense and is punishable as a category C felony. Lastly, the measure provides that these prohibitions concerning certain financial transactions must not be construed to prohibit any financial transaction relating to the medical use of marijuana or the regulation or taxation of marijuana.

Roll call on Assembly Bill No. 15:

YEAS—36.

NAYS—Ellison, Hafen, Kramer, Wheeler—4.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 29 requires that every construction project shall have one, but not more than one, licensed prime contractor, unless the project is not required to have a prime contractor. Additionally, a single construction project shall not have more than one general building contractor performing management and counseling services for a professional fee. A general engineering contractor acting as prime contractor may not hire more than one general contractor on a project, and a general building contractor who has contracted to provide management and consulting services may not hire more than one general building contractor to provide equipment, materials, or work on a project. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 29:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 102 provides an enhanced criminal penalty for any person who knowingly and willfully commits certain crimes because of the fact that the victim is the spouse or the child of any age of a first responder. In addition to the term of imprisonment prescribed by statute for the crime, the person may be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. Lastly, the measure removes the crime of voluntary manslaughter from the crimes for which such an enhanced criminal penalty may be imposed. This bill is effective on October 1, 2019.

Assembly Bill 102 aims to protect the loved ones of those who protect us on a daily basis. I believe we have the obligation to protect the loved ones of those who protect us.

Roll call on Assembly Bill No. 102:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 124 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to convene a group, including hospital and independent center for emergency medical care representatives and experts in the treatment of sexual assault, to write a

medically and factually accurate document that includes information and resources to provide to victims of sexual assault and attempted sexual assault.

Furthermore, the Division is required to distribute copies of the document to each hospital and independent center for emergency medical care in the state, post it on an Internet website, and update the document as necessary. Each hospital and independent center for emergency medical care is required to ensure that victims are provided with a copy of the document and an oral explanation of the information contained therein.

Roll call on Assembly Bill No. 124:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 124 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 141 prohibits a pharmacy benefit manager from putting limitations on certain pharmacists or pharmacies about providing information to a person covered by a pharmacy benefits plan regarding the usual and customary price for a covered prescription drug, including information concerning the availability of a less expensive or more effective drug. The bill also prohibits a pharmacy benefit manager from penalizing certain pharmacists or pharmacies for providing this information. This bill is effective on July 1, 2019.

I want to thank everyone that worked with me on this bill. I think we all agree that as Nevadans, we pay far too much for our medications. I think this is a great step that will help all of us pay less for those prescriptions.

Roll call on Assembly Bill No. 141:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 141 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 142 eliminates the statute of limitations for the prosecution of sexual assault if the identity of the person accused of committing the crime is established by DNA evidence.

Roll call on Assembly Bill No. 142:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 142 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 156 revises requirements related to a court appointing an educational surrogate parent for a child with a known or suspected disability under certain circumstances. The bill prescribes the duties of an educational decision maker and requires that certain information be shared with the child welfare agency, the attorney representing the child, and the parent or guardian of the child. A child welfare services agency is required to consult with the educational decision maker about allowing a child who is in foster care to remain at his or her school of origin. In addition, the court is required to ensure that an educational decision maker is involved in and notified of any plan to place a child and is allowed to testify at any child welfare hearing to determine the placement.

Roll call on Assembly Bill No. 156:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 156 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 252 prohibits the holder of a certificate to provide community-based living arrangement services from serving persons with developmental disabilities without proper certification to provide supported living arrangement services. The Division of Public and Behavioral Health, Department of Health and Human Services, is required to establish an individualized plan for each recipient of community-based living arrangement services. The State Board of Health must adopt regulations prescribing required training and continuing education for community-based living arrangement services providers and certain employees. The effective date is on October 1, 2019.

Roll call on Assembly Bill No. 252:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 252 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 455 provides that the Division of Industrial Relations of the Department of Business and Industry and the Administrator of the Division are not prohibited from notifying an injured employee or the surviving spouse or dependent of an injured employee of available

benefits offered by nonprofit entities to which those persons may be entitled outside of the workers' compensation system. This bill becomes effective on July 1, 2019.

Roll call on Assembly Bill No. 455:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Munk—2.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 373.

SUMMARY—Authorizes ~~for certain local governments,~~ **incorporated cities** to install and maintain ramps on certain public easements and rights-of-way. (BDR 21-433)

AN ACT relating to local governments; authorizing incorporated cities ~~for unincorporated towns and general improvement districts,~~ to install and maintain ramps that meet certain federal requirements; authorizing such ramps to be placed on certain public easements and rights-of-way; **requiring an incorporated city that annexes territory to provide certain notice relating to the annexation to certain public utilities and rural electric cooperatives;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides the governing bodies of incorporated cities ~~for unincorporated towns and general improvement districts,~~ with certain express powers. (Chapter 268 ~~for 269 and 318~~ of NRS) ~~Sections 1-4~~ **Section 1.1** of this bill ~~authorize~~ **authorizes the governing body of an** incorporated ~~cities,~~ ~~unincorporated towns and general improvement districts,~~ **city** to provide for the construction, installation and maintenance of ramps **and any appurtenances necessary thereto** that comply with the Americans with Disabilities Act of 1990. (42 U.S.C. §§ 12101 et seq.) ~~Sections 1-3 of this bill authorize those entities,~~ **Section 1.1 authorizes the governing body** to locate such ramps within any public easement or right-of-way if the public easement or right-of-way is within a reasonable proximity of any public highway and the ramp may be located safely within the public easement or right-of-way without damaging **or forcing the relocation of** the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

Existing law sets forth procedures by which an incorporated city located in a county whose population is 700,000 or more (currently Clark County) is authorized to annex territory. (NRS 268.570-268.608) Existing

law sets forth similar procedures for an incorporated city located in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 268.610-268.670) Sections 1.2 and 1.4 of this bill require any incorporated city that annexes territory to, within 10 days after the adoption of the ordinance approving the annexation, send a copy of such ordinance and certain information about the annexed territory to each public utility or rural electric cooperative operating within the jurisdiction of the city. Sections 1.5-1.8 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 268 of NRS is hereby amended by adding thereto ~~the~~ new section to read as follows: the provisions set forth as sections 1.1, 1.2 and 1.4 of this act.

Sec. 1.1. 1. The governing body of an incorporated city may provide for the construction, installation and maintenance of ramps and any appurtenances necessary thereto that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

2. The governing body of an incorporated city, or any person who is authorized by the governing body of an incorporated city to provide for the construction, installation and maintenance of ramps and any appurtenances necessary thereto that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps and appurtenances within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:

(a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

(b) The ramps and appurtenances may be located safely within the public easement or right-of-way without damaging or forcing the relocation of the facilities of other persons, including, without limitation, public utilities, who are authorized to place their facilities within the public easement or right-of-way.

3. As used in this section ~~the~~ “public”:

(a) “Public easement or right-of-way” means any public easement or right-of-way that has been granted, dedicated or restricted solely for a public purpose, including, without limitation, for use by a public utility or for public access.

(b) “Public highway” has the meaning ascribed to it in NRS 277A.110.

Sec. 1.2. 1. Whenever an incorporated city annexes territory in accordance with the provisions of this section and NRS 268.570 to 268.608, inclusive, the city clerk of the annexing city shall, not less than 10 working days after the adoption of the ordinance approving the annexation, send by

certified mail to each public utility and rural electric cooperative operating within the jurisdiction of the incorporated city:

(a) A notice containing the address and legal description of all property in the territory to be annexed;

(b) An accurate map or plat of the territory to be annexed; and

(c) A copy of the ordinance approving the annexation.

2. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.

Sec. 1.4. 1. Whenever a city annexes territory in accordance with the provisions of this section and NRS 268.610 to 268.670, inclusive, the city clerk of the annexing city shall, not less than 10 working days after the adoption of the ordinance approving the annexation, send by certified mail to each public utility and rural electric cooperative operating within the jurisdiction of the city:

(a) A notice containing the address and legal description of all property in the territory to be annexed;

(b) An accurate map or plat of the territory to be annexed; and

(c) A copy of the ordinance approving the annexation.

2. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.

Sec. 1.5. NRS 268.570 is hereby amended to read as follows:

268.570 The provisions of NRS 268.570 to 268.608, inclusive, and section 1.2 of this act apply only to cities located in a county whose population is 700,000 or more.

Sec. 1.6. NRS 268.574 is hereby amended to read as follows:

268.574 As used in NRS 268.570 to 268.608, inclusive ~~[-],~~ and section 1.2 of this act:

1. "Contiguous" means either abutting directly on the boundary of the annexing municipality or separated from the boundary thereof by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation, or by lands owned by the annexing municipality, by some other political subdivision of the State or by the State of Nevada.

2. "Lot or parcel" means any tract of land of sufficient size to constitute a legal building lot as determined by the zoning ordinance of the county in which the territory proposed to be annexed is situated. If such county has not enacted a zoning ordinance, the question of what constitutes a building lot shall be determined by reference to the zoning ordinance of the annexing municipality.

3. "Majority of the property owners" in a territory means the record owners of real property:

(a) Whose combined value is greater than 50 percent of the total value of real property in the territory, as determined by assessment for taxation; and

(b) Whose combined area is greater than 50 percent of the total area of the territory, excluding lands held by public bodies.

4. A lot or parcel of land is "used for residential purposes" if it is 5 acres or less in area and contains a habitable dwelling unit of a permanent nature.

Sec. 1.7. NRS 268.610 is hereby amended to read as follows:

268.610 1. The provisions of NRS 268.610 to 268.670, inclusive, **and section 1.4 of this act** apply only to cities located in a county whose population is less than 700,000.

2. The provisions of NRS 268.610 to 268.670, inclusive, **and section 1.4 of this act**, except NRS 268.663, do not apply to any city specified in subsection 1 whose charter provides specifically for the creation of an annexation commission to serve the city.

Sec. 1.8. NRS 268.612 is hereby amended to read as follows:

268.612 As used in NRS 268.610 to 268.670, inclusive, **and section 1.4 of this act**, the words and terms defined in NRS 268.614 to 268.624, inclusive, unless the context otherwise requires, have the meanings ascribed to them in those sections.

Sec. 2. ~~Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The town board or board of county commissioners in any unincorporated town may provide for the construction, installation and maintenance of ramps that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.~~

~~2. The town board or board of county commissioners, or any person who is authorized by the town board or board of county commissioners to provide for the construction, installation and maintenance of ramps that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps within any public easement or right of way, including, without limitation, a public easement or right of way dedicated or restricted for use by any utility, if:~~

~~(a) The public easement or right of way is adjacent or appurtenant to or within a reasonable proximity of any public highway, and~~

~~(b) The ramps may be located safely within the public easement or right of way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right of way.~~

~~3. As used in this section, "public highway" has the meaning ascribed to it in NRS 277A.110.] (Deleted by amendment.)~~

Sec. 3. ~~Chapter 318 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. In the case of a district created wholly or in part for furnishing ramps, the board shall have the power to construct, install and maintain ramps that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.~~

~~2. The board, or any person who is authorized by the board to construct, install and maintain ramps that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps within any public easement or right of way, including, without limitation, a public easement or right of way dedicated or restricted for use by any utility, if:~~

~~—(a) The public easement or right of way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and~~

~~—(b) The ramps may be located safely within the public easement or right of way without damaging the facilities within the public easement or right of way.~~

~~—3. As used in this section, “public highway” has the meaning ascribed to it in NRS 277A.110.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 318.116 is hereby amended to read as follows:~~

~~—318.116 Any one, all or any combination of the following basic powers may be granted to a district in proceedings for its organization, or its reorganization pursuant to NRS 318.077 and all provisions in this chapter supplemental thereto, or as may be otherwise provided by statute:~~

~~—1. Furnishing electric light and power, as provided in NRS 318.117;~~

~~—2. Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or Fasciola hepatica, as provided in NRS 318.118;~~

~~—3. Furnishing facilities or services for public cemeteries, as provided in NRS 318.119;~~

~~—4. Furnishing facilities for swimming pools, as provided in NRS 318.1191;~~

~~—5. Furnishing facilities for television, as provided in NRS 318.1192;~~

~~—6. Furnishing facilities for FM radio, as provided in NRS 318.1187;~~

~~—7. Furnishing streets and alleys, as provided in NRS 318.120;~~

~~—8. Furnishing curbs, gutters and sidewalks, as provided in NRS 318.125;~~

~~—9. Furnishing sidewalks, as provided in NRS 318.130;~~

~~—10. *Furnishing ramps, as provided in section 3 of this act;*~~

~~—11. Furnishing facilities for storm drainage or flood control, as provided in NRS 318.135;~~

~~—[11.] 12. Furnishing sanitary facilities for sewerage, as provided in NRS 318.140;~~

~~—[12.] 13. Furnishing facilities for lighting streets, as provided in NRS 318.141;~~

~~—[13.] 14. Furnishing facilities for the collection and disposal of garbage and refuse, as provided in NRS 318.142;~~

~~—[14.] 15. Furnishing recreational facilities, as provided in NRS 318.143;~~

~~—[15.] 16. Furnishing facilities for water, as provided in NRS 318.144;~~

~~—[16.] 17. Furnishing fencing, as provided in NRS 318.1195;~~

~~—[17.] 18. Furnishing facilities for protection from fire, as provided in NRS 318.1181;~~

~~—[18.] 19. Furnishing energy for space heating, as provided in NRS 318.1175;~~

~~—[19.] 20. Furnishing emergency medical services, as provided in NRS 318.1185;~~

~~—[20.] 21. Control of noxious weeds, as provided in chapter 555 of NRS; and~~

~~—[21.] 22. Establishing, controlling, managing and operating an area or zone for the preservation of one or more species or subspecies of wildlife that~~

~~has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., as provided in NRS 318.1177.~~
(Deleted by amendment.)

Sec. 5. 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, engrossed and to third reading.

Assembly Bill No. 23.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 344.

AN ACT relating to transportation; authorizing the Department of Motor Vehicles to adopt regulations related to the operation and testing of certain electronically controlled vehicles and transportation devices other than autonomous vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to adopt regulations relating to the operation and testing of autonomous vehicles on highways within this State. (NRS 482A.100) This bill: (1) classifies certain vehicles and transportation devices that are remotely controlled or otherwise electronically controlled but do not fall within the definition of autonomous vehicle under existing law as alternative electronic transportation system vehicles; and (2) authorizes the Department to adopt regulations relating to the operation and testing of such vehicles and transportation devices. **Sections 3 and 4** of this bill define alternative electronic transportation system vehicles. **Section 9** of this bill authorizes the Department to adopt regulations relating to the operation and testing of alternative electronic transportation system vehicles on highways and premises to which the public has access in this State. **Section 9.5 of this bill authorizes the Department to impose an administrative fine for violations of laws and regulations relating to alternative electronic transportation system vehicles.**

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

Section 1. Title 43 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~19~~ **9.5**, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. 1. “Alternative electronic transportation system” means any hardware or software which is installed within a vehicle or a mobile transportation device that:

(a) Allows a person in a vehicle on a highway to control, in real time, the mechanical operations of the vehicle, including, without limitation, braking, steering and adjusting the throttle, without the person physically touching the braking, steering, throttle or other controls of the vehicle;

~~(b) Allows a person outside of a vehicle on a highway to remotely operate the mechanical operations of the vehicle, including, without limitation, braking, steering and adjusting the throttle;~~

~~(c) Allows a person to remotely operate the mechanical operations of a vehicle or mobile transportation device on a highway or on premises to which the public has access, including, without limitation, braking, steering and adjusting the throttle, by means of a computer, mobile device, tablet or any other electronic device;~~

~~(d) Allows a person to program a mobile transportation device to operate along various routes, without the active control or monitoring by the person on premises to which the public has access; for~~

~~(e) (c) Allows for a vehicle ~~for mobile transportation device~~ on a highway ~~for on premises to which the public has access~~ to be operated ~~remotely or~~ without the active control or monitoring of a person in a way that is outside the scope of an automated driving system ~~for~~; or~~

(d) Allows for a mobile transportation device on premises to which the public has access to be controlled remotely or operated without the active control or monitoring of a person in a way that is outside the scope of an automated driving system.

2. The term does not include an automated driving system.

3. As used in this section, “automated driving system” has the meaning ascribed to it in NRS 482A.025.

Sec. 4. “Alternative electronic transportation system vehicle” means a vehicle or mobile transportation device equipped with an alternative electronic transportation system. The term does not include:

1. An autonomous vehicle, as defined in NRS 482A.030.

2. A vehicle or device that is used exclusively upon fixed mechanical or electromagnetic guideways.

Sec. 5. “Highway” has the meaning ascribed to it in NRS 482A.040.

Sec. 6. “Mobile transportation device” means a device capable of being equipped with an alternative electronic transportation system that is not a vehicle and in, upon or by which any property is or may be transported or drawn upon premises to which the public has access. The term does not include:

1. An autonomous vehicle, as defined in NRS 482A.030.

2. A vehicle or device that is used exclusively upon fixed mechanical or electromagnetic guideways.

Sec. 7. “Premises to which the public has access” has the meaning ascribed to it in NRS 484A.185 ~~and~~, except the term does not include property located upon a public or privately owned airport or any property owned, leased, controlled or managed by a public or privately owned airport.

Sec. 8. “Vehicle” has the meaning ascribed to it in NRS 484A.320.

Sec. 9. 1. The Department may adopt regulations authorizing the operation and testing of alternative electronic transportation system vehicles on highways and premises to which the public has access within the State of Nevada.

2. The regulations adopted pursuant to subsection 1 must:

(a) ~~Set forth requirements that~~ Require a person who wishes to operate or test an alternative electronic transportation system vehicle ~~to meet before it may be operated~~ on a highway or premises to which the public has access within this State ~~and~~ to submit an application to the Department;

(b) Prescribe the form and contents of an application submitted pursuant to paragraph (a);

(c) Set forth requirements ~~for the insurance that is required to test or operate~~ relating to the registration of and issuance of license plates to an alternative electronic transportation system vehicle ~~on a highway or premises to which the public has access within~~ in this State;

~~(e) Establish minimum safety standards for~~

(d) Set forth requirements concerning the control of emissions from an alternative electronic transportation system vehicle in this State;

(e) Require that an alternative electronic transportation system vehicle be capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State, unless an exemption has been granted by the Department;

(f) Require a person who wishes to operate or test an alternative electronic transportation system ~~vehicles and their operation, and~~

~~(d) Set forth such other requirements as the Department determines to be necessary,~~ vehicle on a highway or on premises to which the public has access within this State to obtain and maintain a policy of insurance on the alternative electronic transportation system vehicle that meets the requirements of NRS 485.185 or 485.186 and:

(1) Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of \$5,000,000; or

(2) Make a cash deposit or post and maintain a surety bond or other form of security with the Department in the amount of \$5,000,000;

(g) Set forth requirements for the reporting of all crashes involving alternative electronic transportation system vehicles; and

(h) Set forth requirements for the granting of an exemption from the applicable motor vehicle laws and traffic laws of this State for the operation or testing of an alternative electronic transportation system vehicle.

Sec. 9.5. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of this chapter or any regulation adopted pursuant thereto.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 332.

AN ACT relating to gaming; revising provisions relating to charitable gaming; requiring the Nevada Gaming Commission to adopt regulations providing a procedure to appeal the denial of the registration to operate a charitable lottery or charitable game; requiring the Commission to adopt regulations establishing the fees that a qualified organization must submit to the Chair of the Nevada Gaming Control Board when registering to operate a charitable lottery or charitable game; increasing the penalty for the commission of certain unauthorized acts relating to lotteries; repealing provisions relating to charitable games; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing lotteries, including charitable lotteries. (Chapter 462 of NRS) Existing law also establishes provisions governing charitable games, including: (1) games operated by charitable or educational organizations; and (2) charitable bingo games operated by qualified organizations. (NRS 463.409-463.40965) This bill incorporates charitable games into the provisions of law governing charitable lotteries for the purpose of treating all charitable gaming in the same manner. **Section 29** of this bill repeals the current provisions of law relating to charitable games.

Section 3 of this bill defines the term "charitable game" as a bingo, poker or blackjack game that is operated by a qualified organization. **Section 12** of this bill revises the definition of "qualified organization" to: (1) specify that such an organization must be ~~recognized~~ **certified** by the Department of Taxation or the Internal Revenue Service as not operated for profit; and (2) exclude political organizations.

Section 14 of this bill ~~sets forth the requirements that must be satisfied for~~ **authorizes** a qualified organization to operate a charitable lottery. ~~It~~ **if: (1) the qualified organization is registered by the Chair of the Nevada Gaming Control Board to operate a charitable lottery; and ~~section~~ (2) the total value of all the prizes offered in charitable lotteries operated by the qualified organization during the same calendar year, including the value of all unclaimed cash prizes, does not exceed \$500,000 or, if the qualified**

organization is a qualified professional sports organization, does not exceed \$2,000,000. Section 5 of this bill sets forth the requirements that must be satisfied for a qualified organization to operate a charitable game without obtaining a gaming license.

Section 15 of this bill requires the Chair ~~of the Nevada Gaming Control Board~~ to register a qualified organization to operate a charitable lottery or charitable game if certain requirements are satisfied. **Section 16** of this bill sets forth the items that a qualified organization must submit to register with the Chair to operate a charitable lottery or charitable game. **Section 16** also requires the Board to adopt regulations establishing the fees that a qualified organization must submit to the Chair for the purpose of such registration. **Section 13** of this bill requires the Nevada Gaming Commission, upon the recommendation of the Board, to adopt regulations providing a procedure to appeal the denial of the registration to operate a charitable lottery or charitable game by the Chair.

Section 18 of this bill prohibits the Chair from registering a qualified organization to operate a charitable lottery or charitable game outside this State. **Section 18** authorizes statewide ticket sales and online sales upon approval by the Chair, but requires that all lottery ticket sales be limited to persons who are physically located within this State at the time of purchase.

Section 17 of this bill provides that if the Commission finds that a person associated with a qualified organization is unsuitable to be associated with the operation of a charitable lottery or charitable game, any contract or agreement between the associated person and the qualified organization for the provision of personal services to the qualified organization or for conducting any activity relating to the operation of a charitable lottery or charitable game is deemed to be terminated without liability on the part of the qualified organization.

Section 19 of this bill removes the provision that prohibits a qualified organization from providing compensation to a person who is not a regular employee of the organization. **Section 20** of this bill prohibits a qualified organization from contracting with certain vendors for the operation of a charitable lottery or charitable game. **Section 20** also requires a qualified organization registered with the Chair to submit to the Chair a financial report on a charitable lottery or charitable game upon request.

Section 4 of this bill provides that the State of Nevada, the Board, the Commission and certain other persons are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of law relating to charitable gaming.

Existing law: (1) establishes various unauthorized acts relating to lotteries; and (2) provides that a person who commits any such act is guilty of a misdemeanor. (NRS 462.250, 462.260, 462.280-462.300, 462.320) **Sections 21-26** of this bill increase the penalty for the commission of any such act to a gross misdemeanor.

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

Section 1. Chapter 462 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Chair” means the Chair of the Board.*

Sec. 3. *“Charitable game” means a bingo, poker or blackjack game that is operated by a qualified organization pursuant to the provisions of this chapter. The term does not include any other game or gambling game specified in NRS 463.0152, including without limitation, any game which requires the use of a gaming device, or any wagers on horse races, other animal races, sporting events or other events.*

Sec. 4. *In addition to any other rights, privileges and immunities recognized by law, the State of Nevada, the Board and any of its members, employees, attorneys and other personnel, and the Commission and any of its members, employees, attorneys and other personnel are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.*

Sec. 5. *A qualified organization may operate a charitable game without obtaining a license pursuant to NRS 463.160 if:*

- 1. The qualified organization is registered by the Chair to operate a charitable game pursuant to NRS 462.150; and*
- 2. The total value of all the prizes offered in charitable games operated by the qualified organization during the same calendar year does not exceed \$500,000.*

Sec. 6. NRS 462.015 is hereby amended to read as follows:

462.015 The Legislature hereby finds, and declares to be the public policy of this state, that:

1. The operation of legitimate charitable lotteries *and charitable games in this State* by ~~bona fide charitable and nonprofit~~ *qualified* organizations is beneficial to the general welfare of the residents of this state.

2. The benefits of charitable lotteries ~~and~~ *and charitable games:*

(a) Are dependent upon ensuring that those *charitable* lotteries *and charitable games* are operated honestly and free from criminal and corruptive elements, and that the proceeds of those *charitable* lotteries *and charitable games* are expended to benefit the activities of charitable or nonprofit organizations ~~and~~ *in this State.*

(b) Can be ensured through the regulation of the type of organizations authorized to operate those *charitable* lotteries ~~and~~ *and charitable games*, the manner in which those *charitable* lotteries *and charitable games* are conducted and the manner in which the proceeds of those *charitable* lotteries *and charitable games* are expended.

Sec. 7. NRS 462.025 is hereby amended to read as follows:

462.025 Nothing in this chapter affects the power of a local government to require the licensing of or to impose additional restrictions on the operation of a charitable lottery ~~+~~ **or charitable game.**

Sec. 8. NRS 462.035 is hereby amended to read as follows:

462.035 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 462.045 to 462.125, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 462.064 is hereby amended to read as follows:

462.064 “Charitable lottery” means a lottery operated by a ~~bona fide charitable or nonprofit~~ **qualified** organization pursuant to the provisions of this chapter.

Sec. 10. NRS 462.075 is hereby amended to read as follows:

462.075 “Charitable or nonprofit activity” means an activity in support of the arts, amateur athletics, peace officers or health or social services, or conducted for any benevolent, civic, educational, eleemosynary, fraternal, humanitarian, patriotic ~~+~~ **political** or religious purpose, including the operation of a qualified organization.

Sec. 11. NRS 462.115 is hereby amended to read as follows:

462.115 “Net proceeds” means the total amount of money collected from the ~~sale~~ **operation** of ~~tickets or chances for~~ a charitable lottery ~~+~~ **or charitable game**, less the total amount of money expended for prizes, supplies, advertising, promotion, printing, administration and other direct expenses necessary to operate a charitable lottery ~~+~~ **or charitable game, as applicable.**

Sec. 12. NRS 462.125 is hereby amended to read as follows:

462.125 “Qualified organization” means ~~a bona fide~~ **an** alumni, charitable, civic, educational, fraternal, patriotic, ~~political,~~ religious ~~+~~ **or veterans’ organization or a** state or local bar ~~for veterans’ organization~~ **association** that ~~is recognized~~ **has been certified by the Department of Taxation or the Internal Revenue Service as** not operated for profit.

Sec. 13. NRS 462.130 is hereby amended to read as follows:

462.130 1. The Board and Commission shall administer the provisions of this chapter for the protection of the public and in the public interest in accordance with the policy of this state.

2. The Commission, upon the recommendation of the Board:

(a) May adopt such regulations as it deems desirable to enforce the provisions of this chapter; and

(b) Shall adopt regulations providing a procedure to appeal the denial of the ~~approval of~~ **registration to operate a charitable lottery or charitable game** by the ~~Executive Director~~ **Chair** pursuant to NRS 462.150,

↪ pursuant to the procedure set forth in NRS 463.145.

Sec. 14. NRS 462.140 is hereby amended to read as follows:

462.140 **1.** A qualified organization may operate a charitable lottery if:

~~1-1~~ (a) The *qualified* organization is ~~approved~~ *registered* by the ~~Executive Director~~ *Chair to operate a charitable lottery pursuant to NRS 462.150*; and ~~the~~

~~2-1~~ (b) The total value of all the prizes offered in charitable lotteries operated by the *qualified* organization during the same calendar year ~~exceeds \$25,000, but~~, *including, without limitation, the value of all unclaimed cash prizes*, ~~does~~ :

(1) Except as otherwise provided in subparagraph (2), does not exceed \$500,000 ~~is~~ :

~~2. Except as otherwise provided in subsection 4, the organization registers with the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year exceeds \$2,500, but~~ or

(2) If the qualified organization is a qualified professional sports organization, does not exceed \$25,000;

~~3. The total value of the prizes offered in the charitable lottery does not exceed \$2,500 and the organization operates no more than two charitable lotteries per calendar year; or~~

~~4. The tickets or chances for the charitable lottery are sold only to members of the organization, and to guests of those members while attending a special event sponsored by the organization, and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year does not exceed \$15,000.~~ \$2,000,000.

2. As used in this section, “qualified professional sports organization” means a qualified organization that is affiliated and co-branded with a professional sports team franchise which:

(a) Is a member of Major League Baseball, Major League Soccer, the National Basketball Association, the National Hockey League or the National Football League; and

(b) Plays the majority of its home games in this State.

↪ The term does not include any minor league affiliate of any such team franchise, association or league.

Sec. 15. NRS 462.150 is hereby amended to read as follows:

462.150 1. The ~~Executive Director~~ *Chair* shall:

(a) Register a qualified organization ~~that complies with the requirements of NRS 462.160.~~

~~(b) Approve a qualified organization~~ *to operate a charitable lottery or charitable game* if:

(1) The organization complies with the requirements of NRS 462.160; ~~and~~

(2) The ~~Executive Director~~ *prizes offered are legal under state and federal law; and*

(3) *The Chair* determines, *in his or her sole and absolute discretion*, that the ~~approval~~ *registration* of the organization *to operate a charitable*

lottery or charitable game and the prizes offered would not be contrary to the public interest.

~~{(c)}~~ *(b)* Provide a qualified organization, within 30 days after its submission of an application pursuant to NRS 462.160, with written notification of the basis for any refusal by the ~~{Executive Director}~~ *Chair* to register ~~{or approve}~~ the qualified organization pursuant to this section.

2. The registration ~~{or approval}~~ of a qualified organization *to operate a charitable lottery or charitable game* is a revocable privilege. No person has any right to be registered ~~{or approved}~~ *to operate a charitable lottery or charitable game* by the ~~{Executive Director}~~ *Chair* or acquires any vested right upon being registered ~~{or approved}~~ by the ~~{Executive Director}~~.

~~—3. Unless earlier revoked, the registration or approval of a qualified organization is valid for the calendar year and expires on December 31.~~ *Chair.*

Sec. 16. NRS 462.160 is hereby amended to read as follows:

462.160 1. To register with ~~{or request the approval of}~~ the ~~{Executive Director}~~ *Chair to operate a charitable lottery or charitable game*, a qualified organization must submit to the ~~{Executive Director}~~ *Chair*:

(a) A written application containing:

(1) The name, address and nature of the organization.

(2) Proof that the organization is a qualified organization.

(3) The names of the officers or principals of the organization, and of any person responsible for the management, administration or supervision of the organization's charitable lotteries *or charitable games* and any activities related to those *charitable* lotteries ~~{or charitable games}~~.

(4) *A listing of vendors who will assist with each charitable lottery or charitable game operated by the organization and the services that will be provided.*

(5) A description of all the prizes to be offered in *each* charitable ~~{lotteries}~~ *lottery or charitable game* operated by the organization. ~~{during the calendar year to which the application pertains and, if the approval of the Executive Director is required, a}~~

(6) A summary of the anticipated expenses of conducting ~~{those lotteries}~~ *each charitable lottery or charitable game*, including copies of any proposed agreements between the organization and any suppliers of material for the operation of ~~{those lotteries}~~.

~~—(5)}~~ *each charitable lottery or charitable game.*

(7) A description of the intended use of the net proceeds of *each* charitable ~~{lotteries}~~ *lottery or charitable game* operated by the organization. ~~{during the calendar year to which the application pertains.~~

~~—(6)}~~ (8) The ~~{designation}~~ *address* of ~~{a primary county in which}~~ *the location where each* charitable ~~{lotteries}~~ *lottery or charitable game* will be conducted by the organization. ~~{during the calendar year to which the application pertains.~~

~~—(7)}~~ (9) *The operational controls for each charitable lottery or charitable game, including, without limitation:*

(I) The methods proposed for ticket sales and, if proposing mobile, online or telephone sales, the procedures for such sales;

(II) The audit controls for all ticket sales in this State to ensure compliance with NRS 462.180;

(III) The rules which will be presented to the public for each charitable lottery or charitable game;

(IV) The method of awarding all prizes and announcing all winners to the public; and

(V) The rules and time frames for the collection of all prizes.

(10) A statement verifying that all charitable lotteries or charitable games will be conducted in accordance with the standards of honesty and integrity applicable to licensed gambling games in this State and that any prizes that would be deemed illegal under state or federal law will not be offered.

(11) Any other information the ~~Executive Director~~ Chair deems appropriate.

~~(b) A nonrefundable fee of:~~

~~(1) For registration, \$5; or~~

~~(2) For a request for approval, \$25.~~ **All applicable fees established by the Board by regulation pursuant to subsection 3.**

2. A qualified organization shall submit such additional information as necessary to correct or complete any information submitted pursuant to this section that becomes inaccurate or incomplete. The ~~approval~~ **registration** of a qualified organization is suspended during the period that any of the information is inaccurate or incomplete. The ~~Executive Director~~ **Chair** may reinstate the ~~approval~~ **registration** of the organization only after all information has been corrected and completed.

3. **The Board shall adopt regulations establishing the fees that a qualified organization must submit to the Chair pursuant to this section.**

4. The money collected pursuant to this section must be expended to administer and enforce the provisions of this chapter.

Sec. 17. NRS 462.170 is hereby amended to read as follows:

462.170 1. The Commission may, upon recommendation of the Board, require:

(a) A qualified organization that registers with ~~for requests the approval of~~ the ~~Executive Director~~ **Chair** to file an application pursuant to chapter 463 of NRS for a finding of suitability to operate a charitable lottery **or charitable game** in this state.

(b) Any person who is employed by, a member of or otherwise associated with such an organization to file an application pursuant to chapter 463 of NRS for a finding of suitability to be associated with the operation of a charitable lottery **or charitable game** in this state.

2. The Board may conduct an investigation of the qualified organization or associated person and submit recommendations to the Commission. The qualified organization or associated person must deposit with the Board a sum

of money which the Board determines will be adequate to pay the anticipated costs of the investigation and shall upon the completion of the investigation pay to the Board any additional money necessary to reimburse the Board for the actual cost of the investigation. The Board shall refund any overpayments.

3. The Commission may revoke the registration ~~for approval~~ of a qualified organization **to operate a charitable lottery or charitable game** if:

(a) An application for a finding of suitability is not submitted to the Board, together with the deposit required by subsection 2, within 30 days after the qualified organization receives written notice that it is required pursuant to paragraph (a) of subsection 1 to file an application for a finding of suitability.

(b) The qualified organization is found unsuitable to operate a charitable lottery **or charitable game** in this state.

(c) An application for a finding of suitability is not submitted to the Board, together with the deposit required by subsection 2, or the association of the person with the organization is not terminated, within 30 days after the qualified organization receives written notice that an associated person is required pursuant to paragraph (b) of subsection 1 to file an application for a finding of suitability.

(d) The associated person is found unsuitable to be associated with the operation of a charitable lottery **or charitable game** in this state and the qualified organization does not terminate its association with that person within 30 days after receiving written notice of the finding of unsuitability.

4. If the Commission finds that an associated person is unsuitable to be associated with the operation of a charitable lottery or charitable game in this State, any contract or agreement between the associated person and a qualified organization for the provision of personal services to the qualified organization or for conducting any activity relating to the operation of the charitable lottery or charitable game shall be deemed to be terminated without liability on the part of the qualified organization. Failure to expressly include such a condition in a contract or agreement is not a defense in any action brought pursuant to this section to terminate the contract or agreement.

Sec. 18. NRS 462.180 is hereby amended to read as follows:

462.180 ~~[-A qualified organization]~~ **The Chair** shall not ~~[-~~

~~1. Except as approved by the Executive Director, sell any ticket or chance for]~~ **register a qualified organization to operate a charitable lottery or charitable game** outside ~~[-of:~~

~~(a) The primary county in which the charitable lottery is being conducted; and~~

~~(b) Any counties that border on the primary county.~~

~~2. If the organization has been approved by the Executive Director, conduct more than one charitable lottery in any calendar quarter without the specific authorization of the Executive Director.]~~ **this State. Statewide ticket sales and online sales are permitted upon approval by the Chair, but all**

lottery ticket sales must be limited to persons who are physically located within this State at the time of purchase.

Sec. 19. NRS 462.190 is hereby amended to read as follows:

462.190 A qualified organization shall not:

1. Compensate any person for the provision of prizes and supplies used in the operation of a charitable lottery ~~or~~ **or charitable game**, except to pay the fair market value of the prizes and supplies necessary for the operation of the charitable lottery ~~or~~ **or charitable game**.

2. Provide ~~to~~

~~—(a) Any compensation to a person who is not a regular employee of the organization; and~~

~~—(b) Any **any** additional compensation to a person who is a regular employee of the organization ~~to~~~~

~~to~~ **to** for his or her services in organizing or operating a charitable lottery **or charitable game** or assisting in the organization or operation of a charitable lottery ~~or~~ **or charitable game**. This subsection does not prohibit a qualified organization from compensating a person for the fair market value of services that are ancillary to the organization. ~~for operation of a charitable lottery.~~

Sec. 20. NRS 462.200 is hereby amended to read as follows:

462.200 1. A qualified organization ~~shall~~ **shall**:

(a) **Shall not contract with any vendor for the operation of a charitable lottery or charitable game who charges more than 8 percent of the gross proceeds of the charitable lottery or charitable game in exchange for the provision of services.**

(b) **Shall** expend the net proceeds of a charitable lottery **or charitable game** only for the benefit of charitable or nonprofit activities in this state.

2. A qualified organization ~~approved~~ **registered** by the ~~Executive Director~~ **Chair** shall, ~~after the completion of a charitable lottery and no later than the end of the same calendar year,~~ **upon request**, submit to the ~~Executive Director~~ **Chair** a financial report on ~~the~~ **a** charitable lottery ~~or~~ **or charitable game**. The financial report must include a statement of:

(a) The expenses incurred in the operation of the charitable lottery ~~or~~ **or charitable game**; and

(b) The amount and use of the net proceeds of the charitable lottery ~~or~~ **or charitable game**.

Sec. 21. NRS 462.250 is hereby amended to read as follows:

462.250 A person who contrives, prepares, sets up, proposes or ~~draws~~ **operates** any lottery, except as authorized pursuant to this chapter, is guilty of a **gross** misdemeanor.

Sec. 22. NRS 462.260 is hereby amended to read as follows:

462.260 A person who sells, gives or in any manner whatever furnishes or transfers to or for any other person any ticket, chance, share or interest, or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share or interest in or depending upon the event of any

lottery, except as authorized pursuant to this chapter, is guilty of a **gross** misdemeanor.

Sec. 23. NRS 462.280 is hereby amended to read as follows:

462.280 A person who intentionally aids or assists, either by printing, writing, advertising, publishing or otherwise, in setting up, managing or ~~drawing~~ **operating** any lottery in violation of this chapter, or in selling or disposing of any ticket, chance or share therein, is guilty of a **gross** misdemeanor.

Sec. 24. NRS 462.290 is hereby amended to read as follows:

462.290 Every person who opens, sets up or keeps by himself or herself or by any other person any office or other place for the sale of or for registering the number of any ticket in any lottery in violation of this chapter, or who by printing, writing or other means intentionally advertises or publishes the setting up, opening or using of any such office, is guilty of a **gross** misdemeanor.

Sec. 25. NRS 462.300 is hereby amended to read as follows:

462.300 Every person who insures or receives any consideration for insuring for or against the drawing of any ticket in any lottery whatever, whether drawn or to be drawn within this state or not, or who receives any valuable consideration upon any agreement to repay any sum or deliver the same, or any other property, if any lottery ticket or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not be drawn at any particular time or in any particular order, or who promises or agrees to pay any sum of money, or to deliver any goods, things in action or property, or to forbear to do anything for the benefit of any person, with or without consideration, upon any event or contingency dependent upon the drawing of any ticket in any lottery, or who publishes any notice or proposal of any of the purposes aforesaid, is guilty of a **gross** misdemeanor.

Sec. 26. NRS 462.320 is hereby amended to read as follows:

462.320 A person who lets or permits to be used any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing or drawing any lottery in violation of this chapter, or for the purpose of selling or disposing of lottery tickets in violation of this chapter, is guilty of a **gross** misdemeanor.

Sec. 27. NRS 463.0152 is hereby amended to read as follows:

463.0152 “Game” or “gambling game” means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic 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, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes money

for operating the game, except as a player, or games operated by ~~charitable or educational~~ *qualified* organizations ~~which~~ *that* are ~~approved~~ *registered* by the ~~Board~~ *Chair* pursuant to the provisions of *chapter 462 of NRS .* ~~[463.409.]~~

Sec. 28. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172 ~~†~~ *and section 5 of this act*, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider;
or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

↳ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;
 (d) Paying winning wagers to patrons; or
 (e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,
 ↪ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, “affiliated licensee” has the meaning ascribed to it in NRS 463.430.

Sec. 29. NRS 462.055, 462.095, 463.409, 463.4091, 463.40915, 463.4092, 463.40925, 463.4093, 463.40935, 463.4094, 463.40945, 463.4095, 463.40955, 463.4096 and 463.40965 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

462.055 “Calendar quarter” defined.

462.095 “Executive Director” defined.

463.409 Approval by Board of game operated by charitable organization; conditions; exceptions.

463.4091 Definitions.

463.40915 “Calendar quarter” defined.

463.4092 “Charitable or nonprofit activity” defined.

463.40925 “Net proceeds” defined.

463.4093 “Qualified organization” defined.

463.40935 Administration of provisions by Board and Commission; regulations.

463.4094 Requirements for operation of charitable bingo game without gaming license.

463.40945 Registration and approval of qualified organization: Duties of Executive Director; revocable privilege; expiration.

463.4095 Requirements for registration and approval of Executive Director.

463.40955 Commission may require finding of suitability.

463.4096 Prohibited acts concerning compensation of employees of qualified organizations and other persons.

463.40965 Reporting and expenditure of net proceeds of charitable bingo.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

The following amendment was proposed by Assemblyman Yeager:
Amendment No. 563.

AN ACT relating to gaming; revising provisions relating to charitable gaming; requiring the Nevada Gaming Commission to adopt regulations providing a procedure to appeal the denial of the registration to operate a charitable lottery or charitable game; requiring the Commission to adopt regulations establishing the fees that a qualified organization must submit to the Chair of the Nevada Gaming Control Board when registering to operate a charitable lottery or charitable game; increasing the penalty for the commission of certain unauthorized acts relating to lotteries; repealing provisions relating to charitable games; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing lotteries, including charitable lotteries. (Chapter 462 of NRS) Existing law also establishes provisions governing charitable games, including: (1) games operated by charitable or educational organizations; and (2) charitable bingo games operated by qualified organizations. (NRS 463.409-463.40965) This bill incorporates charitable games into the provisions of law governing charitable lotteries for the purpose of treating all charitable gaming in the same manner. **Section 29** of this bill repeals the current provisions of law relating to charitable games.

Section 3 of this bill defines the term "charitable game" as a bingo, poker or blackjack game that is operated by a qualified organization. **Section 12** of this bill revises the definition of "qualified organization" to: (1) specify that such an organization must be recognized by the Department of Taxation or the Internal Revenue Service as not operated for profit; and (2) exclude political organizations.

Section 14 of this bill sets forth the requirements that must be satisfied for a qualified organization to operate a charitable lottery, and **section 5** of this bill sets forth the requirements that must be satisfied for a qualified organization to operate a charitable game without obtaining a gaming license.

Section 15 of this bill requires the Chair of the Nevada Gaming Control Board to register a qualified organization to operate a charitable lottery or charitable game if certain requirements are satisfied. **Section 16** of this bill sets forth the items that a qualified organization must submit to register with the Chair to operate a charitable lottery or charitable game. **Section 16** also requires the Commission, upon recommendation by the Board, to adopt regulations establishing the fees that a qualified organization must submit to the Chair for the purpose of such registration. **Section 13** of this bill requires the Nevada Gaming Commission, upon the recommendation of the Board, to adopt regulations providing a procedure to appeal the denial of the registration to operate a charitable lottery or charitable game by the Chair.

Section 18 of this bill prohibits the Chair from registering a qualified organization to operate a charitable lottery or charitable game outside this State. **Section 18** authorizes statewide ticket sales and online sales upon

approval by the Chair, but requires that all lottery ticket sales be limited to persons who are physically located within this State at the time of purchase.

Section 17 of this bill provides that if the Commission finds that a person associated with a qualified organization is unsuitable to be associated with the operation of a charitable lottery or charitable game, any contract or agreement between the associated person and the qualified organization for the provision of personal services to the qualified organization or for conducting any activity relating to the operation of a charitable lottery or charitable game is deemed to be terminated without liability on the part of the qualified organization.

Section 19 of this bill removes the provision that prohibits a qualified organization from providing compensation to a person who is not a regular employee of the organization. **Section 20** of this bill prohibits a qualified organization from contracting with certain vendors for the operation of a charitable lottery or charitable game. **Section 20** also requires a qualified organization registered with the Chair to submit to the Chair a financial report on a charitable lottery or charitable game upon request.

Section 4 of this bill provides that the State of Nevada, the Board, the Commission and certain other persons are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of law relating to charitable gaming.

Existing law: (1) establishes various unauthorized acts relating to lotteries; and (2) provides that a person who commits any such act is guilty of a misdemeanor. (NRS 462.250, 462.260, 462.280-462.300, 462.320) **Sections 21-26** of this bill increase the penalty for the commission of any such act to a gross misdemeanor.

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

Section 1. Chapter 462 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Chair” means the Chair of the Board.*

Sec. 3. *“Charitable game” means a bingo, poker or blackjack game that is operated by a qualified organization pursuant to the provisions of this chapter. The term does not include any other game or gambling game specified in NRS 463.0152, including without limitation, any game which requires the use of a gaming device, or any wagers on horse races, other animal races, sporting events or other events.*

Sec. 4. *In addition to any other rights, privileges and immunities recognized by law, the State of Nevada, the Board and any of its members, employees, attorneys and other personnel, and the Commission and any of its members, employees, attorneys and other personnel are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.*

Sec. 5. *A qualified organization may operate a charitable game without obtaining a license pursuant to NRS 463.160 if:*

1. *The qualified organization is registered by the Chair to operate a charitable game pursuant to NRS 462.150; and*

2. *The total value of all the prizes offered in charitable games operated by the qualified organization during the same calendar year does not exceed \$500,000.*

Sec. 6. NRS 462.015 is hereby amended to read as follows:

462.015 The Legislature hereby finds, and declares to be the public policy of this state, that:

1. The operation of legitimate charitable lotteries *and charitable games in this State* by ~~bona fide charitable and nonprofit~~ *qualified* organizations is beneficial to the general welfare of the residents of this state.

2. The benefits of charitable lotteries ~~and charitable games:~~

(a) Are dependent upon ensuring that those *charitable* lotteries *and charitable games* are operated honestly and free from criminal and corruptive elements, and that the proceeds of those *charitable* lotteries *and charitable games* are expended to benefit the activities of charitable or nonprofit organizations ~~and in this State.~~

(b) Can be ensured through the regulation of the type of organizations authorized to operate those *charitable* lotteries ~~and charitable games~~, the manner in which those *charitable* lotteries *and charitable games* are conducted and the manner in which the proceeds of those *charitable* lotteries *and charitable games* are expended.

Sec. 7. NRS 462.025 is hereby amended to read as follows:

462.025 Nothing in this chapter affects the power of a local government to require the licensing of or to impose additional restrictions on the operation of a charitable lottery ~~and or charitable game.~~

Sec. 8. NRS 462.035 is hereby amended to read as follows:

462.035 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 462.045 to 462.125, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 462.064 is hereby amended to read as follows:

462.064 “Charitable lottery” means a lottery operated by a ~~bona fide charitable or nonprofit~~ *qualified* organization pursuant to the provisions of this chapter.

Sec. 10. NRS 462.075 is hereby amended to read as follows:

462.075 “Charitable or nonprofit activity” means an activity in support of the arts, amateur athletics, peace officers or health or social services, or conducted for any benevolent, civic, educational, eleemosynary, fraternal, humanitarian, patriotic ~~political~~ or religious purpose, including the operation of a qualified organization.

Sec. 11. NRS 462.115 is hereby amended to read as follows:

462.115 “Net proceeds” means the total amount of money collected from the ~~sale~~ *operation* of ~~tickets or chances for~~ a charitable lottery ~~and or~~ *charitable game*, less the total amount of money expended for prizes, supplies,

advertising, promotion, printing, administration and other direct expenses necessary to operate a charitable lottery ~~or~~ **or charitable game, as applicable.**

Sec. 12. NRS 462.125 is hereby amended to read as follows:

462.125 “Qualified organization” means ~~a bona fide~~ **an** alumni, charitable, civic, educational, fraternal, patriotic, ~~political,~~ religious ~~or~~ **veterans’ organization or a** state or local bar ~~or veterans’ organization~~ **association** that is **recognized by the Department of Taxation or the Internal Revenue Service as** not operated for profit.

Sec. 13. NRS 462.130 is hereby amended to read as follows:

462.130 1. The Board and Commission shall administer the provisions of this chapter for the protection of the public and in the public interest in accordance with the policy of this state.

2. The Commission, upon the recommendation of the Board:

(a) May adopt such regulations as it deems desirable to enforce the provisions of this chapter; and

(b) Shall adopt regulations providing a procedure to appeal the denial of the ~~approval of~~ **registration to operate a charitable lottery or charitable game** by the ~~Executive Director~~ **Chair** pursuant to NRS 462.150, ~~pursuant to the procedure set forth in NRS 463.145.~~

Sec. 14. NRS 462.140 is hereby amended to read as follows:

462.140 A qualified organization may operate a charitable lottery if:

1. The **qualified** organization is ~~approved~~ **registered** by the ~~Executive Director~~ **Chair to operate a charitable lottery pursuant to NRS 462.150;** and ~~the~~

2. **The** total value of all the prizes offered in charitable lotteries operated by the **qualified** organization during the same calendar year ~~exceeds \$25,000, but~~ **, including, without limitation, the value of all unclaimed cash prizes,** does not exceed \$500,000 . ~~;~~

~~2. Except as otherwise provided in subsection 4, the organization registers with the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year exceeds \$2,500, but does not exceed \$25,000;~~

~~3. The total value of the prizes offered in the charitable lottery does not exceed \$2,500 and the organization operates no more than two charitable lotteries per calendar year; or~~

~~4. The tickets or chances for the charitable lottery are sold only to members of the organization, and to guests of those members while attending a special event sponsored by the organization, and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year does not exceed \$15,000.~~

Sec. 15. NRS 462.150 is hereby amended to read as follows:

462.150 1. The ~~Executive Director~~ **Chair** shall:

(a) Register a qualified organization ~~that complies with the requirements of NRS 462.160.~~

~~(b) Approve a qualified organization to operate a charitable lottery or charitable game if:~~

(1) The organization complies with the requirements of NRS 462.160; ~~and~~

(2) The ~~Executive Director~~ prizes offered are legal under state and federal law; and

(3) *The Chair* determines, in his or her sole and absolute discretion, that the ~~approval~~ registration of the organization to operate a charitable lottery or charitable game and the prizes offered would not be contrary to the public interest.

~~(e)~~ (b) Provide a qualified organization, within 30 days after its submission of an application pursuant to NRS 462.160, with written notification of the basis for any refusal by the ~~Executive Director~~ Chair to register ~~or approve~~ the qualified organization pursuant to this section.

2. The registration ~~or approval~~ of a qualified organization to operate a charitable lottery or charitable game is a revocable privilege. No person has any right to be registered ~~or approved~~ to operate a charitable lottery or charitable game by the ~~Executive Director~~ Chair or acquires any vested right upon being registered ~~or approved~~ by the ~~Executive Director~~.

~~3. Unless earlier revoked, the registration or approval of a qualified organization is valid for the calendar year and expires on December 31.~~ Chair.

Sec. 16. NRS 462.160 is hereby amended to read as follows:

462.160 1. To register with ~~or request the approval of~~ the ~~Executive Director~~ Chair to operate a charitable lottery or charitable game, a qualified organization must submit to the ~~Executive Director~~ Chair:

(a) A written application containing:

(1) The name, address and nature of the organization.

(2) Proof that the organization is a qualified organization.

(3) The names of the officers or principals of the organization, and of any person responsible for the management, administration or supervision of the organization's charitable lotteries or charitable games and any activities related to those charitable lotteries ~~or charitable games~~.

(4) A listing of vendors who will assist with each charitable lottery or charitable game operated by the organization and the services that will be provided.

(5) A description of all the prizes to be offered in each charitable ~~lotteries~~ lottery or charitable game operated by the organization. ~~during the calendar year to which the application pertains and, if the approval of the Executive Director is required, a~~

(6) A summary of the anticipated expenses of conducting ~~those lotteries~~ each charitable lottery or charitable game, including copies of any proposed agreements between the organization and any suppliers of material for the operation of ~~those lotteries~~.

~~(5)~~ each charitable lottery or charitable game.

(7) A description of the intended use of the net proceeds of *each* charitable ~~lotteries~~ *lottery or charitable game* operated by the organization . ~~[during the calendar year to which the application pertains.~~

~~—(6)~~ (8) The ~~[designation]~~ *address* of ~~[a primary county in which]~~ *the location where each* charitable ~~lotteries~~ *lottery or charitable game* will be conducted by the organization . ~~[during the calendar year to which the application pertains.~~

~~—(7)~~ (9) *The operational controls for each charitable lottery or charitable game, including, without limitation:*

(I) *The methods proposed for ticket sales and, if proposing mobile, online or telephone sales, the procedures for such sales;*

(II) *The audit controls for all ticket sales in this State to ensure compliance with NRS 462.180;*

(III) *The rules which will be presented to the public for each charitable lottery or charitable game;*

(IV) *The method of awarding all prizes and announcing all winners to the public; and*

(V) *The rules and time frames for the collection of all prizes.*

(10) *A statement verifying that all charitable lotteries or charitable games will be conducted in accordance with the standards of honesty and integrity applicable to licensed gambling games in this State and that any prizes that would be deemed illegal under state or federal law will not be offered.*

(11) Any other information the ~~[Executive Director]~~ *Chair* deems appropriate.

(b) ~~[A nonrefundable fee of:~~

~~—(1) For registration, \$5; or~~

~~—(2) For a request for approval, \$25.] All applicable fees established by the ~~[Board]~~ Commission by regulation pursuant to subsection 3.~~

2. A qualified organization shall submit such additional information as necessary to correct or complete any information submitted pursuant to this section that becomes inaccurate or incomplete. The ~~[approval]~~ *registration* of a qualified organization is suspended during the period that any of the information is inaccurate or incomplete. The ~~[Executive Director]~~ *Chair* may reinstate the ~~[approval]~~ *registration* of the organization only after all information has been corrected and completed.

3. *The Commission, upon recommendation by the Board, shall adopt regulations establishing the fees that a qualified organization must submit to the Chair pursuant to this section.*

4. The money collected pursuant to this section must be expended to administer and enforce the provisions of this chapter.

Sec. 17. NRS 462.170 is hereby amended to read as follows:

462.170 1. The Commission may, upon recommendation of the Board, require:

(a) A qualified organization that registers with ~~for requests the approval of~~ the ~~Executive Director~~ **Chair** to file an application pursuant to chapter 463 of NRS for a finding of suitability to operate a charitable lottery *or charitable game* in this state.

(b) Any person who is employed by, a member of or otherwise associated with such an organization to file an application pursuant to chapter 463 of NRS for a finding of suitability to be associated with the operation of a charitable lottery *or charitable game* in this state.

2. The Board may conduct an investigation of the qualified organization or associated person and submit recommendations to the Commission. The qualified organization or associated person must deposit with the Board a sum of money which the Board determines will be adequate to pay the anticipated costs of the investigation and shall upon the completion of the investigation pay to the Board any additional money necessary to reimburse the Board for the actual cost of the investigation. The Board shall refund any overpayments.

3. The Commission may revoke the registration ~~for approval~~ of a qualified organization *to operate a charitable lottery or charitable game* if:

(a) An application for a finding of suitability is not submitted to the Board, together with the deposit required by subsection 2, within 30 days after the qualified organization receives written notice that it is required pursuant to paragraph (a) of subsection 1 to file an application for a finding of suitability.

(b) The qualified organization is found unsuitable to operate a charitable lottery *or charitable game* in this state.

(c) An application for a finding of suitability is not submitted to the Board, together with the deposit required by subsection 2, or the association of the person with the organization is not terminated, within 30 days after the qualified organization receives written notice that an associated person is required pursuant to paragraph (b) of subsection 1 to file an application for a finding of suitability.

(d) The associated person is found unsuitable to be associated with the operation of a charitable lottery *or charitable game* in this state and the qualified organization does not terminate its association with that person within 30 days after receiving written notice of the finding of unsuitability.

4. *If the Commission finds that an associated person is unsuitable to be associated with the operation of a charitable lottery or charitable game in this State, any contract or agreement between the associated person and a qualified organization for the provision of personal services to the qualified organization or for conducting any activity relating to the operation of the charitable lottery or charitable game shall be deemed to be terminated without liability on the part of the qualified organization. Failure to expressly include such a condition in a contract or agreement is not a defense in any action brought pursuant to this section to terminate the contract or agreement.*

Sec. 18. NRS 462.180 is hereby amended to read as follows:

462.180 ~~A qualified organization~~ **The Chair** shall not ~~f~~

~~1. Except as approved by the Executive Director, sell any ticket or chance for~~ **register a qualified organization to operate** a charitable lottery **or charitable game** outside ~~of:~~

~~(a) The primary county in which the charitable lottery is being conducted; and~~

~~(b) Any counties that border on the primary county.~~

~~2. If the organization has been approved by the Executive Director, conduct more than one charitable lottery in any calendar quarter without the specific authorization of the Executive Director.~~ **this State. Statewide ticket sales and online sales are permitted upon approval by the Chair, but all lottery ticket sales must be limited to persons who are physically located within this State at the time of purchase.**

Sec. 19. NRS 462.190 is hereby amended to read as follows:

462.190 A qualified organization shall not:

1. Compensate any person for the provision of prizes and supplies used in the operation of a charitable lottery ~~or~~ **or charitable game**, except to pay the fair market value of the prizes and supplies necessary for the operation of the charitable lottery ~~or~~ **or charitable game**.

2. Provide ~~to:~~

~~(a) Any compensation to a person who is not a regular employee of the organization; and~~

~~(b) Any~~ **any** additional compensation to a person who is a regular employee of the organization ~~to:~~

~~for~~ **for** his or her services in organizing or operating a charitable lottery **or charitable game** or assisting in the organization or operation of a charitable lottery ~~or~~ **or charitable game**. This subsection does not prohibit a qualified organization from compensating a person for the fair market value of services that are ancillary to the organization. ~~for operation of a charitable lottery.~~

Sec. 20. NRS 462.200 is hereby amended to read as follows:

462.200 1. A qualified organization ~~shall~~ **shall**:

(a) Shall not contract with any vendor for the operation of a charitable lottery or charitable game who charges more than 8 percent of the gross proceeds of the charitable lottery or charitable game in exchange for the provision of services.

(b) Shall expend the net proceeds of a charitable lottery **or charitable game** only for the benefit of charitable or nonprofit activities in this state.

2. A qualified organization ~~approved~~ **registered** by the ~~Executive Director~~ **Chair** shall, ~~after the completion of a charitable lottery and no later than the end of the same calendar year,~~ **upon request**, submit to the ~~Executive Director~~ **Chair** a financial report on ~~the~~ **a** charitable lottery ~~or~~ **or charitable game**. The financial report must include a statement of:

(a) The expenses incurred in the operation of the charitable lottery ~~or~~ **or charitable game**; and

(b) The amount and use of the net proceeds of the charitable lottery ~~or~~ **or charitable game**.

Sec. 21. NRS 462.250 is hereby amended to read as follows:

462.250 A person who contrives, prepares, sets up, proposes or ~~draws~~ *operates* any lottery, except as authorized pursuant to this chapter, is guilty of a *gross* misdemeanor.

Sec. 22. NRS 462.260 is hereby amended to read as follows:

462.260 A person who sells, gives or in any manner whatever furnishes or transfers to or for any other person any ticket, chance, share or interest, or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share or interest in or depending upon the event of any lottery, except as authorized pursuant to this chapter, is guilty of a *gross* misdemeanor.

Sec. 23. NRS 462.280 is hereby amended to read as follows:

462.280 A person who intentionally aids or assists, either by printing, writing, advertising, publishing or otherwise, in setting up, managing or ~~drawing~~ *operating* any lottery in violation of this chapter, or in selling or disposing of any ticket, chance or share therein, is guilty of a *gross* misdemeanor.

Sec. 24. NRS 462.290 is hereby amended to read as follows:

462.290 Every person who opens, sets up or keeps by himself or herself or by any other person any office or other place for the sale of or for registering the number of any ticket in any lottery in violation of this chapter, or who by printing, writing or other means intentionally advertises or publishes the setting up, opening or using of any such office, is guilty of a *gross* misdemeanor.

Sec. 25. NRS 462.300 is hereby amended to read as follows:

462.300 Every person who insures or receives any consideration for insuring for or against the drawing of any ticket in any lottery whatever, whether drawn or to be drawn within this state or not, or who receives any valuable consideration upon any agreement to repay any sum or deliver the same, or any other property, if any lottery ticket or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not be drawn at any particular time or in any particular order, or who promises or agrees to pay any sum of money, or to deliver any goods, things in action or property, or to forbear to do anything for the benefit of any person, with or without consideration, upon any event or contingency dependent upon the drawing of any ticket in any lottery, or who publishes any notice or proposal of any of the purposes aforesaid, is guilty of a *gross* misdemeanor.

Sec. 26. NRS 462.320 is hereby amended to read as follows:

462.320 A person who lets or permits to be used any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing or drawing any lottery in violation of this chapter, or for the purpose of selling or disposing of lottery tickets in violation of this chapter, is guilty of a *gross* misdemeanor.

Sec. 27. NRS 463.0152 is hereby amended to read as follows:

463.0152 “Game” or “gambling game” means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic 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, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes money for operating the game, except as a player, or games operated by ~~charitable or educational~~ **qualified** organizations ~~which~~ **that** are ~~approved~~ **registered** by the ~~Board~~ **Chair** pursuant to the provisions of **chapter 462 of** NRS . ~~[463.409.]~~

Sec. 28. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172 ~~††~~ **and section 5 of this act**, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider;
or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

↳ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to

be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↳ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 29. NRS 462.055, 462.095, 463.409, 463.4091, 463.40915, 463.4092, 463.40925, 463.4093, 463.40935, 463.4094, 463.40945, 463.4095, 463.40955, 463.4096 and 463.40965 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

462.055 "Calendar quarter" defined.

462.095 "Executive Director" defined.

463.409 Approval by Board of game operated by charitable organization; conditions; exceptions.

463.4091 Definitions.

463.40915 "Calendar quarter" defined.

463.4092 "Charitable or nonprofit activity" defined.

463.40925 "Net proceeds" defined.

463.4093 "Qualified organization" defined.

463.40935 Administration of provisions by Board and Commission; regulations.

463.4094 Requirements for operation of charitable bingo game without gaming license.

463.40945 Registration and approval of qualified organization: Duties of Executive Director; revocable privilege; expiration.

463.4095 Requirements for registration and approval of Executive Director.

463.40955 Commission may require finding of suitability.

463.4096 Prohibited acts concerning compensation of employees of qualified organizations and other persons.

463.40965 Reporting and expenditure of net proceeds of charitable bingo.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 519.

SUMMARY—Revises provisions relating to cultural resources ~~+~~ and certain grave sites. (BDR 33-868)

AN ACT relating to historic preservation; revising and increasing the penalties for crimes related to certain actions which ~~tend to~~ injure or destroy **the cairn or grave of a native Indian or an** historic or prehistoric ~~site or~~ **site and crimes related to** the trafficking of cultural property obtained from state land without a permit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor for a person to willfully remove without obtaining any required permit, mutilate, deface, injure or destroy the cairn or grave of a native Indian. Under existing law, a first such offense is punishable by a fine of \$2,000 and a second or subsequent such offense is punishable by a fine of not more than \$4,500, and may be further punished by imprisonment in a county jail for not more than 364 days. Section 1 of this bill increases the penalties for these offenses by providing that a first such offense is a gross misdemeanor, a second such offense is a category E felony and a third or subsequent such offense is a category C felony. Section 1 also requires a court, in addition to any other penalty, to order a person who committed such an offense to pay restitution for the cost to reinter with appropriate dignity all artifacts and human remains associated with the cairn or grave.

Existing law makes it a crime for a person to knowingly and willfully remove, mutilate, deface, excavate, injure or destroy a historic or prehistoric site or resource on state land or to receive, traffic in or sell cultural property appropriated from state land without a valid permit. Under existing law, a first such offense is a misdemeanor punishable by a fine of \$1,000 and a second or subsequent such offense is a gross misdemeanor punishable by imprisonment in the county jail for not more than 364 days or by a fine of not more than \$3,500, or by both fine and imprisonment. (NRS 383.435)

~~Section 1.5 of this bill increases the penalties for these offenses by providing that ~~if for the first offense: (1) the sum of the commercial and paleontological value of the site or cultural property and the cost of the restoration, stabilization and interpretation of the site or cultural property is \$500 or less, the first offense is a category E felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 2 years, or by a fine of not more than \$5,000, or by both fine and imprisonment; or (2) the sum of the commercial and paleontological value of the site or cultural property and the cost of the restoration, stabilization and interpretation of the site or cultural property is more than \$500, the first offense is a category C felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than \$10,000, or by both fine and imprisonment. Section 1 further provides that if for any second or subsequent offense: (1) the sum of the commercial and paleontological value of the site or cultural property and the cost of the restoration, stabilization and interpretation of the site or cultural property is \$500 or less, the offense is a category C felony, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than \$5,000, or by both fine and imprisonment; or (2) the sum of the commercial and paleontological value of the site or cultural property and the cost of the restoration, stabilization and interpretation of the site or cultural property more than \$500, the offense is 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 more than 10 years.~~~~

~~Section 2 of this bill makes a conforming change.]~~ **a first such offense is a gross misdemeanor, a second such offense is a category E felony and a third or subsequent such offense is a category C felony. Section 1.5 also requires a court, in addition to any other penalty, to order a person who committed such an offense to pay restitution for the cost of restoration, stabilization and interpretation of the site or cultural property.**

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

Section 1. NRS 383.180 is hereby amended to read as follows:

383.180 1. Except as otherwise provided in NRS 383.170, a person who willfully removes without obtaining any required permit, mutilates, defaces, injures or destroys the cairn or grave of a native Indian ~~is guilty of a gross misdemeanor and shall be~~:

(a) ~~[Punished by a fine of \$2,000 for the]~~ **For a** first offense, ~~[or by a fine of not more than \$4,500 for]~~ **is guilty of a gross misdemeanor.**

(b) For a second ~~[or subsequent]~~ offense, ~~[and may be further punished by imprisonment in the county jail for not more than 364 days; and~~

~~(b) Ordered to pay for the costs] is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~↪ In addition to any other penalty, the court shall order a person found guilty of any violation of this subsection to pay restitution for the cost to reinter with appropriate dignity all artifacts and human remains associated with the cairn or grave.~~

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of NRS 383.170 is guilty of a gross misdemeanor and shall be punished by a fine of \$500 for the first offense, or by a fine of not more than \$1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than 364 days.

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by NRS 383.170;

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

~~Section 1.]~~ **Sec. 1.5.** NRS 383.435 is hereby amended to read as follows:

383.435 1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land without a valid permit, unless a greater penalty is provided by a specific statute:

(a) For a first offense, is guilty of a gross misdemeanor. ~~and shall be punished by a fine of \$1,000.~~

~~(1) If the sum of the commercial and paleontological value of the site or cultural property, as applicable, and the cost of the restoration, stabilization and interpretation of the site or cultural property, as applicable, is not more than \$500, is guilty of a category E felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1~~

~~year and a maximum term of not more than 2 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~(2) If the sum of the commercial and paleontological value of the site or cultural property, as applicable, and the cost of the restoration, stabilization and interpretation of the site or cultural property, as applicable, is more than \$500, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.]~~

(b) For a second [or subsequent] offense, 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 \$3,500, or by both fine and imprisonment. ~~;~~

~~(1) If the sum of the commercial and paleontological value of the site or cultural property, as applicable, and the cost of the restoration, stabilization and interpretation of the site or cultural property, as applicable, is not more than \$500, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.~~

~~(2) If the sum of the commercial and paleontological value of the site or cultural property, as applicable, and the cost of the restoration, stabilization and interpretation of the site or cultural property, as applicable, is more than \$500, 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 10 years, or by a fine of not more than \$20,000, or by both fine and imprisonment.] category E felony and shall be punished as provided in NRS 193.130.~~

(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

↪ In addition to any other penalty, the court shall order a person found guilty of any violation of this subsection to pay restitution for the cost of restoration, stabilization and interpretation of the site or cultural property, as applicable.

2. This section does not apply to any action taken:

(a) In accordance with an agreement with the Office entered into pursuant to NRS 383.430; or

(b) In accordance with the provisions of NRS 381.195 to 381.227, inclusive, by the holder of a permit issued pursuant to those sections.

3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees.

Sec. 2. ~~NRS 193.130 is hereby amended to read as follows:~~

~~193.130 1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. [The] *Except as otherwise provided by NRS 383.435, the* minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.~~

~~2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:~~

~~(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.~~

~~(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.~~

~~(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.~~

~~(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.~~

~~(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.] **(Deleted by amendment.)**~~

Sec. 3. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 388.

ASSEMBLYMEN FUMO, BILBRAY-AXELROD, ASSEFA; COHEN, DURAN,
GORELOW, JAUREGUI, MCCURDY, MONROE-MORENO, TORRES AND WATTS

AN ACT relating to crimes; making it a crime to negligently store or leave a firearm under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a child under the age of 18 years from handling, possessing or controlling a firearm under certain circumstances. Existing law also prohibits a person from aiding or knowingly permitting a child to handle, possess or control a firearm under certain circumstances and sets forth penalties upon a person who is found guilty of such an offense. A person does not aid or knowingly permit a child to violate such existing law if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. (NRS 202.300) **Section 1** of this bill makes it a misdemeanor to negligently store or leave a firearm which a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain such a firearm.

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

Section 1. NRS 202.300 is hereby amended to read as follows:

202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term

of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Unless a greater penalty is provided ~~pursuant to subsection 2,~~ by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

~~15.1~~ 6. Except as otherwise provided in subsection ~~18.1~~ 9, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

↪ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

~~16.1~~ 7. Except as otherwise provided in subsection ~~18.1~~ 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person

authorized by his or her parent or guardian to have control or custody of the child, if the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:

- (a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;
- (b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;
- (c) Participating in a lawfully organized competition or performance involving the use of a firearm;
- (d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;
- (e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;
- (f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or
- (g) At his or her residence.

~~17.1~~ **8.** Except as otherwise provided in subsection ~~18.1~~ **9**, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection ~~16.1~~ **7**, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

- (a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and
- (b) Is not otherwise prohibited by law from possessing such a firearm.

~~18.1~~ **9.** A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

- (a) An occupant of a motor vehicle;
- (b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or
- (c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.

~~19.1~~ **10.** For the purposes of this section, a firearm is loaded if:

- (a) There is a cartridge in the chamber of the firearm;
- (b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

Sec. 2. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection ~~5 or 6~~ **or 7** of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.

Sec. 3. This act becomes effective 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.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 301.

AN ACT relating to crimes; establishing the crime of advancing prostitution; revising the penalties for the crime of living from the earnings of

a prostitute; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who, without consideration, knowingly accepts, receives, levies or appropriates any money or other valuable thing from the proceeds of a prostitute is guilty of a category D felony. (NRS 201.320) **Section 3** of this bill provides that a person who commits any such act is guilty of the crime of living from the earnings of a prostitute and shall be punished: (1) for a category C felony if physical force or the immediate threat of physical force is used in the commission of the crime; or (2) for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime.

Section 1 of this bill establishes the crime of advancing prostitution and provides that a person who owns, leases, operates, controls or manages any business or private property is guilty of such a crime if ~~he or she, except as otherwise authorized by law:~~ (1) aids another person in committing or engaging in prostitution; (2) procures or solicits customers for another person to engage in prostitution; (3) provides another person or premises for the purposes of prostitution; (4) operates or assists in the operation of a house of prostitution or a prostitution enterprise; or (5) engages in any other conduct ~~designed to institute, aid or facilitate an act or enterprise of prostitution.~~ the person: (1) knows or should know that illegal prostitution is being conducted at the business or upon such private property; (2) knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude or victims of sex trafficking against whom physical force or the immediate threat of physical force is being or has been used; and (3) fails to take reasonable steps to abate such illegal prostitution within 30 days after the person knows or should know about such illegal prostitution. **Section 1** provides that a person who is guilty of advancing prostitution shall be punished ~~[=(1)=]~~ for a category C felony ~~if physical force or the immediate threat of physical force is used in the commission of the crime; or (2) for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime.]~~

Sections 4-18 of this bill include a reference to the crime of advancing prostitution in each section of NRS that references the crime of living from the earnings of a prostitute.

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise authorized by law, a person shall not knowingly:
(a) Aid another person in committing or engaging in prostitution;~~

~~(b) Procure or solicit customers for another person to engage in prostitution;~~

~~(c) Provide another person or premises for the purposes of prostitution;~~

~~(d) Operate or assist in the operation of a house of prostitution or a prostitution enterprise; or~~

~~(e) Engage in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.~~

~~2. A person who violates the provisions of subsection 1 is guilty of advancing prostitution and shall be punished:~~

~~(a) Where physical force or the immediate threat of physical force is used, for a category C felony as provided in NRS 193.130.~~

~~(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.] A person who owns, leases, operates, controls or manages any business or private property and who:~~

~~(a) Knows or should know that illegal prostitution is being conducted at the business or upon such private property;~~

~~(b) Knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of:~~

~~(1) Involuntary servitude as described in NRS 200.463; or~~

~~(2) Sex trafficking as described in subsection 2 of NRS 201.300 against whom physical force or the immediate threat of physical force is being or has been used; and~~

~~(c) Fails to take reasonable steps to abate such illegal prostitution within 30 days after the date on which the person knows the circumstances set forth in paragraphs (a) and (b),~~

~~↪ is guilty of advancing prostitution.~~

~~2. A person who is guilty of advancing prostitution shall be punished for a category C felony as provided in NRS 193.130.~~

~~3. For the purposes of this section, a person who owns, leases, operates, controls or manages any business or private property shall be deemed:~~

~~(a) To know that illegal prostitution is being conducted at the business or upon the private property of the person if a law enforcement agency has notified the person who owns, leases, operates, controls or manages the business or private property, in writing, of at least three incidents of illegal prostitution that occurred at the business or upon the private property of the person within a period of 180 consecutive days.~~

~~(b) To know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS 200.463 or sex trafficking as described in subsection 2 of NRS 201.300 against whom physical force or the immediate threat of physical force is being or has been used if, in light of all the surrounding facts and circumstances which are known to the person at the time, a reasonable person would believe, under those facts and circumstances, that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude as described in NRS~~

200.463 or sex trafficking as described in subsection 2 of NRS 201.300 against whom physical force or the immediate threat of physical force is being or has been used.

(c) To have taken reasonable steps to abate such illegal prostitution if the person has:

(1) Filed a report of such illegal prostitution with a law enforcement agency;

(2) Allowed a law enforcement agency to conduct surveillance or an unrestricted undercover operation;

(3) Promoted ongoing education about such illegal prostitution for employees; or

(4) Used any other available legal means to abate such illegal prostitution.

Sec. 2. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 3. NRS 201.320 is hereby amended to read as follows:

201.320 1. A person who knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute, is guilty of ~~the category D felony~~ **living from the earnings of a prostitute** and shall be punished :

(a) Where physical force or the immediate threat of physical force is used, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Any such acceptance, receipt, levy or appropriation of money or valuable thing upon any proceedings or trial for violation of this section is presumptive evidence of lack of consideration.

Sec. 4. NRS 201.325 is hereby amended to read as follows:

201.325 1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 **or section 1 of this act** to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

- (a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;
- (b) The cost of transportation, temporary housing and child care;
- (c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;
- (d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;
- (e) The cost of repatriation of the victim to his or her home country, if applicable; and
- (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320 ~~†~~ **or section 1 of this act.**

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, “victim” means any person:

- (a) Against whom a violation of any provision of NRS 201.300 or 201.320 **or section 1 of this act** has been committed; or
- (b) Who is the surviving child of such a person.

Sec. 5. NRS 201.345 is hereby amended to read as follows:

201.345 1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320 ~~†~~ **or section 1 of this act.**

2. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

Sec. 6. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 or 201.320 **or section 1 of this act** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 7. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 or 201.320 **or section 1 of this act** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without

notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims which are designated to receive such distributions by the district attorney of the county.

Sec. 8. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~or~~ **or section 1 of this act**, the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~or~~ **or section 1 of this act**, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~or~~ **or section 1 of this act**, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300 or NRS 201.320 **or section 1 of this act** and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 9. NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.
14. Open or gross lewdness pursuant to NRS 201.210.
15. Lewdness with a child pursuant to NRS 201.230.
16. An offense involving pandering or sex trafficking in violation of NRS 201.300 or prostitution in violation of NRS 201.320 ~~††~~ **or section 1 of this act.**
17. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
18. An attempt, conspiracy or solicitation to commit an offense listed in this section.

Sec. 10. NRS 207.360 is hereby amended to read as follows:

207.360 “Crime related to racketeering” means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;

14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, except a violation of NRS 453.3393, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.320 or 201.360 ~~†~~ **or section 1 of this act;**
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or
37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 11. NRS 41.1399 is hereby amended to read as follows:

41.1399 1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,

↳ whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.

8. In the discretion of the court in an action brought under this section:

(a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.

(b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.

9. The consent of a victim is not a defense to a cause of action brought under this section.

10. For the purposes of this section:

(a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 ~~§~~ **or section 1 of this act**, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

(b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 ~~§~~ **or section 1 of this act**, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

Sec. 12. NRS 49.25425 is hereby amended to read as follows:

49.25425 “Human trafficking” means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 *or section 1 of this act* or 18 U.S.C. § 1589, 1590 or 1591.

Sec. 13. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.086, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644A.900 or 654.200 ~~†~~ *or section 1 of this act*.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.086, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner’s knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, “act of terrorism” has the meaning ascribed to it in NRS 202.4415.

Sec. 14. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 “Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. Involuntary servitude of a child pursuant to NRS 200.4631, unless the offender is the parent or guardian of the victim.

4. An offense involving sex trafficking pursuant to subsection 2 of NRS 201.300 or prostitution pursuant to NRS 201.320 ~~††~~ **or section 1 of this act.**

5. An attempt to commit an offense listed in this section.

6. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

7. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 15. NRS 179D.115 is hereby amended to read as follows:

179D.115 “Tier II offender” means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

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

(c) An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 ~~††~~ **or section 1 of this act;**

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in ~~42 U.S.C. § 16911(3);~~ **34 U.S.C. § 20911(3);**

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States;

or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 16. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 ~~+~~ **or section 1 of this act.**

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 17. NRS 217.520 is hereby amended to read as follows:

217.520 "Victim of human trafficking" means a person who is a victim of:

1. Involuntary servitude as set forth in NRS 200.463 or 200.464.

2. A violation of any provision of NRS 200.465.

3. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

4. Pandering in violation of any provision of NRS 201.300.

5. A violation of NRS 201.320 ~~+~~ **or section 1 of this act.**

Sec. 18. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children;

(c) Recommend legislation concerning missing or exploited children; and

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 or a violation of NRS 201.320 ~~+~~ **or section 1 of this act.**

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive ~~+~~, **and section 1 of this act.**

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 19. The amendatory provisions of this act apply to an offense committed on or after the effective date of this act.

Sec. 20. This act becomes effective 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.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 217.

AN ACT relating to environmental health specialists; exempting certain persons from the applicability of provisions governing the practice of environmental health; revising provisions relating to the duties and powers of the board which governs environmental health specialists; revising provisions

governing the requirements for application for and registration of environmental health specialists and environmental health specialist trainees; authorizing the issuance of temporary registrations to engage in the practice of environmental health to certain persons; revising the definition of the practice of environmental health; revising provisions governing continuing education; revising provisions governing complaints, grounds thereof and disciplinary action against applicants for and holders of registration to engage in the practice of environmental health; repealing certain provisions which set forth certain duties of the board which governs environmental health specialists; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for eligibility to engage in the practice of environmental health as an environmental health specialist trainee. (NRS 625A.115) **Sections 3, 16 and 27** of this bill provide for the provisional registration of environmental health specialist trainees and revise the requirements for application for such provisional registration to engage in the practice of environmental health as an environmental health specialist trainee.

Sections 4 and 10 of this bill authorize the issuance of temporary registrations to engage in the practice of environmental health to certain persons who hold a valid and unrestricted registration, certification or license to engage in the practice of environmental health in another state and who meet all the qualifications for registration in this State.

Existing law defines the practice of environmental health and excludes practices in certain fields. (NRS 625A.028) **Sections 5 and 17** of this bill: (1) revise the definition of the practice of environmental health; and (2) provide that, with certain exceptions, the provisions of chapter 625A of NRS governing registered environmental health specialists do not apply to certain persons in certain employment or performing certain practices.

Existing law creates the Board of Registered Environmental Health Specialists. (NRS 625A.030) **Sections 14 and 18** of this bill rename the Board as the Board of Environmental Health Specialists and revise the qualifications of members and the process by which the members are selected and its officers elected. **Sections 6, 7, 9, 12 and 19-22** of this bill: (1) set forth certain duties of the Board; (2) authorize the Board to issue subpoenas and administer oaths; (3) require the Board to adopt certain regulations regarding the periods, renewal methods and status of registrations issued pursuant to chapter 625A of NRS; (4) authorize members or agents of the Board to inspect premises where environmental health is practiced; (5) revise provisions governing meetings of the Board; (6) revise provisions governing the salaries and compensation of members and employees of the Board; and (7) establish certain requirements for and limitations on the use of certain fees and civil penalties collected by the Board.

Section 8 of this bill establishes certain requirements which must be satisfied by an applicant for a registration to engage in the practice of environmental health.

Section 11 of this bill establishes certain provisions governing complaints charging grounds for disciplinary action against applicants for and holders of registration.

Existing law sets forth the requirements, including a complete set of fingerprints, ~~and proof of educational qualifications,~~ for an applicant for a registration as an environmental health specialist or environmental health specialist trainee. (NRS 625A.100) **Section 24** of this bill sets forth certain circumstances under which such fingerprints ~~for proof of educational qualifications~~ are not required to be submitted to the Board.

Existing law requires an applicant for a registration as an environmental health specialist to have passed an examination certified by the National Environmental Health Association. (NRS 625A.110, 625A.120) **Sections 26 and 28** of this bill revise these provisions to exempt certain applicants from the requirement of passing the examination and eliminate certain provisions governing the administration of the examination and management of its results.

Section 30 of this bill revises provisions governing the fees which may be charged and collected by the Board.

Section 31 of this bill eliminates a limitation on the number of times the Board may exempt an environmental health specialist from requirements for continuing education following a showing of good cause.

Section 34 of this bill revises the acts which constitute unprofessional conduct.

Section 35 of this bill revises the disciplinary or other action that the Board may order against an applicant for or holder of registration.

Existing law provides that a person who engages in the practice of environmental health in this State without registration by the Board is guilty of a misdemeanor. (NRS 625A.900) **Section 36** of this bill authorizes the Board to issue and serve on the person an order to cease and desist, assess against the person an administrative fine of not more than \$5,000, or impose both penalties.

Section 38 of this bill repeals certain provisions which: (1) set forth the purpose of registration of persons who engage in the practice of environmental health; (2) require the Board to file certain written reports with the Governor; (3) require the Board to keep a record of its proceedings and provide for an annual audit of its fiscal records; (4) require the Board to maintain a register of applicants for and holders of registrations; and (5) set forth certain requirements for the contents of certificates of registration.

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

Section 1. Chapter 625A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *The Legislature hereby declares that the practice of environmental health is a learned profession, affecting public safety and*

welfare and charged with the public interest, and is therefore subject to protection and regulation by the State.

Sec. 3. “Provisional registration” means a provisional registration as an environmental health specialist trainee issued by the Board pursuant to NRS 625A.115.

Sec. 4. “Temporary registration” means a temporary registration to engage in the practice of environmental health issued by the Board pursuant to section 10 of this act.

Sec. 5. The provisions of this chapter, other than NRS 625A.910, do not apply to a person who:

1. Is employed by the Federal Government and who practices environmental health within the scope of that employment.

2. Is employed by and for the Division of Environmental Protection of the State Department of Conservation and Natural Resources or for ~~an~~ ~~entity whose activities are limited solely to issues relating to~~ a local air ~~quality~~ pollution control board. As used in this subsection, “local air pollution control board” means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

3. Is employed by and for the Department of Taxation pursuant to chapter 453A or 453D of NRS and the regulations adopted pursuant thereto and who conducts inspections to determine compliance with law and regulations for the cultivation, distribution and licensure of establishments or facilities where marijuana is grown, stored, processed or offered for sale, unless the marijuana is utilized as an agent or ingredient in food products.

4. Performs clean up and disposal of hazardous waste and substances as a consultant certified by the State Department of Conservation and Natural Resources pursuant to the provisions of NRS 459.400 to 459.600, inclusive, and the regulations adopted pursuant thereto, unless the clean up and disposal of hazardous waste and substances is performed directly by and for a public health agency.

5. Practices in the field of:

(a) Industrial hygiene, public education, indoor air quality, health physics, mold assessment or mold remediation;

(b) Zoonotic disease ecology or vector-borne disease ecology, or both, when the practice in that field is performed as a specialty;

(c) Mining when performed by an employee or contractor of a mining company which is engaged in mining operations in this State;

(d) Building inspections when performed by a person whose primary purpose is to determine compliance with building and safety codes; or

(e) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator.

6. Practices environmental health on a limited basis in this State if the person:

(a) Practices for not more than 45 days in any calendar year; and

(b) Holds a valid and unrestricted registration, certification or license as an environmental health specialist in the District of Columbia or any state or territory of the United States whose requirements for that registration, certification or licensure are substantially similar to the requirements for the issuance of a registration as an environmental health specialist in this State.

Sec. 6. The Board shall:

- 1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*
- 2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;*
- 3. Evaluate the qualifications and determine the eligibility of an applicant for any registration issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate registration to a qualified applicant;*
- 4. Adopt regulations establishing standards of practice for persons registered pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;*
- 5. Require a person registered pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of environmental health;*
- 6. Investigate any complaint received by the Board against any person registered pursuant to this chapter;*
- 7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; ~~and~~*
- 8. Prescribe by regulation the qualifications required before a person may serve as a hearing officer; and*
- 9. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of environmental health without the appropriate registration issued pursuant to the provisions of this chapter.*

Sec. 7. 1. The Board may issue subpoenas for the attendance of witnesses and production of books and papers.

2. Any member of the Board may administer oaths when taking testimony in any matter relating to the duties of the Board.

Sec. 8. To be eligible for registration by the Board, an applicant for a registration to engage in the practice of environmental health must:

- 1. Be a natural person of good moral character;**
- 2. Comply with the requirements set forth in NRS 625A.110;**
- 3. Pay the fees provided for in this chapter; and**
- 4. Submit all information required to complete an application for such registration.**

Sec. 9. 1. The Board shall adopt regulations prescribing:

(a) The period for which a registration issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in section 10 of this act, must be not less than 1 year; and

(b) The manner in which a registration issued pursuant to this chapter must be renewed.

2. The Board may adopt regulations providing for the late renewal of a registration and the reinstatement of an expired registration, which may include requirements for continuing education.

3. The Board may, at the request of a person registered as an environmental health specialist pursuant to NRS 625A.110, place a registration on inactive status if the holder of the registration does not engage in, or represent that the person is authorized to engage in, the practice of environmental health in this State.

Sec. 10. 1. The Board may issue a temporary registration to engage in the practice of environmental health upon application and the payment of the fee required pursuant to NRS 625A.130 to any person who holds a valid and unrestricted registration, certification or license to engage in the practice of environmental health in the District of Columbia or any state or territory of the United States and who meets all the qualifications for registration in this State.

2. A temporary registration issued pursuant to this section:

(a) Is valid for not more than 6 months; and

(b) May be converted to a registration as an environmental health specialist issued pursuant to NRS 625A.110 upon:

(1) Payment of the registration fee set forth in NRS 625A.130; and

(2) Submittal to the Board of any information required by the Board for the conversion of the registration.

Sec. 11. 1. A complaint may be made against any applicant for a registration or any holder of a registration charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 12. Any member or agent of the Board may enter any premises in this State where a person who holds a registration issued pursuant to the provisions of this chapter practices environmental health and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person

at the premises is practicing environmental health without the appropriate registration issued pursuant to the provisions of this chapter.

Sec. 13. NRS 625A.020 is hereby amended to read as follows:

625A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 625A.021 to 625A.028, inclusive, *and sections 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 14. NRS 625A.021 is hereby amended to read as follows:

625A.021 “Board” means the Board of ~~Registered~~ Environmental Health Specialists.

Sec. 15. NRS 625A.025 is hereby amended to read as follows:

625A.025 1. “Environmental health specialist” means a person who is engaged in the practice of environmental health and who holds a ~~certificate of~~ registration as an environmental health specialist issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.110.*

2. The term does not include any person ~~who practices in a field excluded from the definition of the “practice of environmental health”~~ *to whom the provisions of this chapter do not apply* pursuant to ~~subsection 2 of NRS 625A.028.~~ *section 5 of this act*, unless the person holds a ~~certificate of~~ registration as an environmental health specialist issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.110.*

Sec. 16. NRS 625A.026 is hereby amended to read as follows:

625A.026 “Environmental health specialist trainee” means a person who is engaged in the practice of environmental health and who holds a ~~certificate of~~ *provisional* registration as an environmental health specialist trainee issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.115.*

Sec. 17. NRS 625A.028 is hereby amended to read as follows:

625A.028 ~~It~~ “Practice of environmental health” means the use of public health principles in the application of the sanitary sciences ~~the biological sciences or the physical sciences~~ *to investigate,* prevent ~~or reduce environmentally acquired disease or~~ *human injury and* illness ~~for~~.

~~2. The term does not include practice in the field of:~~

~~(a) Environmental health by a person whose primary work is performed by and for the Division of Environmental Protection of the State Department of Conservation and Natural Resources or for an entity whose activities are limited solely to issues relating to air quality;~~

~~(b) Industrial hygiene, public education, indoor air quality, health physics, mold assessment or mold remediation;~~

~~(c) Cleaning up and disposing of hazardous waste and substances performed by a person who is certified by the State Department of Conservation and Natural Resources pursuant to NRS 459.400 to 459.600, inclusive, and the regulations adopted pursuant thereto, unless the clean up and disposal of the hazardous waste and substances is performed directly by and for a public health agency;~~

- ~~— (d) Zoonotic disease ecology or vector borne disease ecology, or both, when the practice in that field is performed as a specialty;~~
- ~~— (e) Mining performed by an employee or contractor of a mining company engaged in mining operations in this State;~~
- ~~— (f) Building inspections performed by a person whose primary purpose is to determine compliance with building and safety codes; or~~
- ~~— (g) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator.} by:~~

1. Identifying and evaluating hazardous physical, chemical and biological agents that may adversely affect human health and the environmental sources of those agents; and

2. Limiting exposures to those agents in air, water, soil, food and other environmental media or settings.

Sec. 18. NRS 625A.030 is hereby amended to read as follows:

625A.030 1. There is hereby created the Board of ~~Registered~~ Environmental Health Specialists, consisting of the Chief Medical Officer or his or her designated representative and four members appointed by the Governor.

2. After the initial terms, each member appointed by the Governor ~~must be appointed for~~ **serves** a term of 3 years.

3. Of the members of the Board appointed by the Governor after the initial appointments:

(a) Two **members** must represent the general public. These members must not be:

(1) An environmental health specialist or environmental health specialist trainee; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of an environmental health specialist or environmental health specialist trainee.

(b) Two **members** must be environmental health specialists ~~};~~ :

(1) Each of whom:

(I) Holds a current registration issued pursuant to NRS 625A.110 and is in good standing with the Board; and

(II) Must have practiced in the field of environmental health for the 3 years immediately preceding his or her appointment.

(2) Of whom, one must be employed by the health district containing Washoe County and one **must be** employed by the health district containing Clark County.

4. Each member of the Board must be a resident of this State.

5. If a vacancy occurs during the term of a member appointed by the Governor, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

6. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetency, neglect of duty or other sufficient cause.

~~{5-}~~ 7. The Board shall elect from its members who are ~~{not employees of the State}~~ **appointed by the Governor** a Chair and ~~{a Secretary. The Chair must be elected biennially on or before July 1 of each even numbered year. The Secretary continues in office}~~ **Vice Chair. The officers of the Board hold their respective offices** at the pleasure of the Board.

Sec. 19. NRS 625A.040 is hereby amended to read as follows:

625A.040 1. The Board shall hold at least ~~{one meeting}~~ **two meetings** annually ~~{to:~~

~~—(a) Review and evaluate applications for certificates of registration as environmental health specialists and environmental health specialist trainees.~~

~~—(b) Conduct examinations.~~

~~—(c) Review expenditures by the Board.~~

~~—(d) Prepare reports.~~

~~—(e) Transact any other business necessary to enable the Board to carry out its duties.~~

~~—2. Special meetings of the Board may be called by the Secretary upon the written request of any two} and may meet at other times on the call of the Chair or a majority of its members . {of the Board or upon a written request signed by 10 environmental health specialists or environmental health specialist trainees, or any combination thereof.~~

~~—3. Three members}~~

2. A **majority** of the Board ~~{constitute}~~ **constitutes** a quorum to transact all business . ~~{, and a majority of those present must concur on any decision.}~~

3. **The Board shall comply with the provisions of chapter 241 of NRS and all meetings of the Board must be conducted in accordance with that chapter.**

Sec. 20. NRS 625A.050 is hereby amended to read as follows:

625A.050 1. ~~{The Secretary of the Board is entitled to receive:~~

~~—(a) A salary in an amount fixed by the Board; and~~

~~—(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~—2. All other members}~~ **Members** of the Board are entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

~~{3-}~~ 2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 21. NRS 625A.055 is hereby amended to read as follows:

625A.055 1. The Board may employ and fix the compensation to be paid to ~~{attorneys,}~~ :

(a) *An Executive Director; and*

(b) *Attorneys, investigators and other professional consultants and clerical personnel; any other employee* necessary to the discharge of its duties. ~~and~~

2. *The Board* may reimburse ~~those~~ *its* employees for any actual expenses they incur while acting on behalf of the Board. Any reimbursement paid pursuant to this section is in addition to any per diem allowance or travel expenses paid to those employees pursuant to NRS 625A.050.

3. *The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.*

Sec. 22. NRS 625A.060 is hereby amended to read as follows:

625A.060 1. *All fees collected under the provisions of this chapter must be paid to the Board to be used to defray the necessary expenses of the Board.* The ~~Secretary of the~~ Board shall ~~receive and account for all money paid to the Board and~~ deposit ~~it~~ *the fees* in *qualified* banks, credit unions, savings and loan associations and savings banks in this ~~state~~.

~~2. The compensation and expenses of the members and employees of the Board and the expenses of administering the provisions of this chapter must be paid from the fees received by the Board upon approval by the Board.~~
State.

2. *In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom with the State Treasurer for deposit in the State General Fund.*

3. *If a hearing officer or panel is not authorized to take disciplinary action pursuant to the provisions of subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.*

Sec. 23. NRS 625A.095 is hereby amended to read as follows:

625A.095 The provisions of this chapter do not preclude a person ~~who practices in a field excluded from the definition of the "practice of environmental health"~~ *to whom the provisions do not otherwise apply* pursuant to ~~subsection 2 of NRS 625A.028~~ *section 5 of this act* from being issued a ~~certificate of~~ registration by the Board if the person otherwise meets the requirements for the issuance of the ~~certificate.~~ *registration.*

Sec. 24. NRS 625A.100 is hereby amended to read as follows:

625A.100 ~~It~~ An applicant for a ~~certificate of~~ registration as an environmental health specialist or environmental health specialist trainee shall submit to the Board ~~through its Secretary~~:

~~(a)~~ :

1. A completed application on a form prescribed and furnished by the Board;

~~[(b) A]~~

2. *If not otherwise required by a public employer which employs the applicant, a complete set of fingerprints and written permission authorizing the Board 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)]~~ 3. The required fee;

~~[(d)]~~ 4. Proof of the applicant's educational qualifications, ~~if the applicant does not hold:~~

~~(a) A current credential as a registered environmental health specialist with the National Environmental Health Association; and~~

~~(b) A valid and unrestricted registration, certification or license to practice environmental health in the District of Columbia or any state or territory of the United States whose educational requirements for that registration, certification or licensure are substantially similar to the educational requirements for the issuance of a registration as an environmental health specialist in this State;~~

~~5. Proof of the applicant's]~~ practical training and experience; and

~~[(e) 6.]~~ 5. All information required to complete the application.

~~[2. The fee is not refundable.]~~

Sec. 25. NRS 625A.105 is hereby amended to read as follows:

625A.105 1. In addition to any other requirements set forth in this chapter, an applicant for a ~~certificate of~~ registration as an environmental health specialist or environmental health specialist trainee or the holder of such a ~~certificate~~ **registration** shall:

(a) Include the social security number of the applicant in the application submitted to the Board.

(b) Submit to the Board annually ~~[, through its Secretary,]~~ the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance of the ~~certificate of~~ registration; or

(b) A separate form prescribed by the Board.

3. A ~~certificate of~~ registration as an environmental health specialist or environmental health specialist trainee may not be issued by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. NRS 625A.110 is hereby amended to read as follows:

625A.110 1. Except as otherwise provided in this section, to be eligible for a ~~certificate of~~ registration as an environmental health specialist, an applicant:

(a) Must:

(1) Possess a baccalaureate or higher degree from an institution of higher education approved by the Board;

(2) Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering;

(3) Have passed the ~~written~~ examination pursuant to NRS 625A.120; and

(4) Have at least 2 years of experience approved by the Board in the practice of environmental health;

(b) Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and have passed the ~~written~~ examination pursuant to NRS 625A.120;

(c) Must possess a master's degree in public health from an institution of higher education approved by the Board and have passed the ~~written~~ examination pursuant to NRS 625A.120; or

(d) Must possess training or experience obtained during service in the military forces of this State or the United States which the Board determines is equivalent to at least 2 years of experience in the practice of environmental health and have passed the ~~written~~ examination pursuant to NRS 625A.120.

2. ~~Except as otherwise provided in this subsection, the~~ **The Board shall** ~~may~~ issue a ~~certificate of~~ registration as an environmental health specialist to a person who ~~is~~ **has not** ~~qualified under~~ **passed the examination required pursuant to subsection 1 but otherwise meets the requirements of that subsection** if ~~the Board determines to its satisfaction that~~ the person:

(a) ~~Was actively engaged in the practice of environmental health in this State on July 1, 2005; and~~ **Holds a current credential as a registered environmental health specialist with the National Environmental Health Association; or**

(b) ~~Has completed at least 2 years of successful experience in the practice of environmental health.~~

~~→ To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2007.] **Has passed an examination for registration, certification or licensure to practice environmental health in the District of Columbia or any state or territory of the United States whose examination for that registration, certification or licensure is determined by the Board to be substantially similar to the examination described in NRS 625A.120.**~~

3. Notwithstanding the provisions of subsection 1 to the contrary, upon written application, the Board may issue a ~~certificate of~~ registration as an environmental health specialist to a person by ~~reciprocity~~ **endorsement** if the person ~~is registered as:~~ :

(a) ~~Has~~ **Holds a current credential as a registered** environmental health specialist with the National Environmental Health Association; or

(b) ~~Has~~ **Holds a valid and unrestricted registration, certification or license as an** environmental health specialist, environmental health scientist or registered sanitarian in ~~another jurisdiction recognized by the Board as having~~ **the District of Columbia or any state or territory of the United States whose** requirements for that registration ~~which~~ , **certification or licensure** are substantially similar to the requirements for the issuance of a ~~certificate of~~ registration as an environmental health specialist in this State.

Sec. 27. NRS 625A.115 is hereby amended to read as follows:

625A.115 1. ~~A person is eligible to engage in the practice of environmental health as an environmental health specialist trainee if the person possesses a baccalaureate or higher degree which includes the satisfactory completion of at least 45 quarter hours, or 30 semester hours, of academic work in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering, from an institution of higher education approved by the Board.~~

~~2.] To engage in the practice of environmental health as an environmental health specialist trainee, a person:~~

~~(a) Must be employed as a part of a training program in which the person engages in the practice of environmental health under the direct supervision of one or more other persons who hold certificates of registration as environmental health specialists; and~~

~~(b) Must~~ **must** file with the Board an application for a ~~certificate of~~ **provisional** registration as an environmental health specialist trainee not later than ~~90] 30~~ days after the date on which the person initially becomes employed ~~as a part of the] in a position in which he or she receives training~~ ~~program.~~

~~3. Except as otherwise provided in this subsection, the certificate of] in environmental health.~~

2. Upon application and payment of the fees required pursuant to NRS 625A.130, the Board may issue a provisional registration as an environmental health specialist trainee to a person who:

(a) *Meets the educational requirements for registration as an environmental health specialist set forth in subsection 1 of NRS 625A.110;*

(b) *Is employed in a position in which he or she receives training in environmental health under the direct supervision of a registered environmental health specialist; and*

(c) *Is in the process of obtaining the 2 years of experience in the practice of environmental health required for eligibility for registration as an environmental health specialist pursuant to subsection 1 of NRS 625A.110.*

3. A *provisional* registration of a person as an environmental health specialist trainee expires ~~{3 years}~~ *1 year* after the date on which the ~~{person initially becomes employed as a part of the training program in which the person engages in the practice of environmental health as an environmental health specialist trainee.}~~ *registration was issued. A provisional registration may be renewed not more than twice.*

4. If ~~{upon completion of the 3-year period,}~~ the person has met all requirements to be issued a ~~{certificate of}~~ registration as an environmental health specialist other than passing the examination required pursuant to NRS 625A.120, the Board may, upon a showing of good cause, grant the person a 1-year extension of the person's ~~{certificate of}~~ *provisional* registration as an environmental health specialist trainee before the person must pass the examination. A request for such an extension must be submitted by the person in writing and received by the Board at least 60 days before the date on which the person's ~~{certificate of}~~ *provisional* registration as an environmental health specialist trainee expires.

5. *The Board may adopt regulations providing for the manner in which a provisional registration as an environmental health specialist trainee may be converted to a registration as an environmental health specialist.*

Sec. 28. NRS 625A.120 is hereby amended to read as follows:

625A.120 ~~{}~~ Except for an applicant who may be issued a ~~{certificate of}~~ registration as an environmental health specialist without an examination pursuant to NRS 625A.110, an applicant who applies for a ~~{certificate of}~~ registration as an environmental health specialist and who is otherwise qualified for the issuance of the ~~{certificate}~~ *registration* must ~~{appear personally and}~~ pass the ~~{written}~~ *national* examination ~~{certified}~~ *for credentialing as a registered environmental health specialist offered* by the National Environmental Health Association . ~~{for an equivalent examination prepared by the Board.}~~

~~— 2. The examination must be administered by the Board not less than once each year at such time and place in this State as the Board specifies.~~

~~— 3. The name of the applicant must not appear on the examination, and the applicant must be identified by a number assigned by the Secretary of the Board.~~

~~4. All examinations and the records pertaining to them must be filed with the Secretary of the Board and retained for at least 5 years.~~

~~5. If an applicant fails the examination, the applicant may be reexamined upon resubmission of an application accompanied by the required fee.]~~

Sec. 29. NRS 625A.125 is hereby amended to read as follows:

625A.125 1. Upon denial of an application for a ~~certificate of~~ registration, the Board shall give the person written notice of its decision mailed to the person at his or her last known address by certified mail, return receipt requested. The notice must:

- (a) State the reason for the denial; and
- (b) Inform the person that he or she has the right to a hearing before the Board.

2. A written request for a hearing must be filed with the Board within 30 days after the notice is mailed. If a hearing is requested, the Board shall set a time and place for a formal hearing and notify the person of the time and place set for the hearing. The Board shall hold the hearing at the time and place designated in the notice.

Sec. 30. NRS 625A.130 is hereby amended to read as follows:

~~625A.130 1. Each applicant for a certificate of registration as an environmental health specialist or environmental health specialist trainee must pay a fee set by the Board not to exceed \$250.~~

~~2. Each applicant for a certificate of registration as an environmental health specialist who fails an examination and who desires to be reexamined must pay a fee set by the Board not to exceed \$200 for each reexamination.~~

~~3. Each person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the Board not to exceed \$100. The annual fee for the certificate of registration must be collected for the year in which the person is initially issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.~~

~~4. If a person holds a certificate of registration as an environmental health specialist or environmental health specialist trainee and the person fails to pay the annual fee for the certificate of registration within 60 days after it is due or submit all information required to complete the annual registration, the person's certificate of registration is automatically suspended. The Board must notify the person that the certificate of registration has been suspended pursuant to this subsection. It may be reinstated pursuant to regulations adopted by the Board.]~~

1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

<i>Initial application fee</i>	<i>\$250</i>
<i>Registration fee</i>	<i>100 150</i>
<i>Temporary registration fee</i>	<i>50 75</i>

<i>Fee for the renewal of a registration</i>	100 <u>150</u>
<i>Fee for the late renewal of a registration</i>	100
<i>Fee for the reinstatement of an expired registration.....</i>	200 <u>250</u>

2. All fees are payable in advance and not refundable.

3. If an applicant for registration is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the registration.

4. Except as otherwise provided in subsection 3, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 31. NRS 625A.150 is hereby amended to read as follows:

625A.150 1. The Board shall adopt regulations requiring participation in a program of continuing education as a prerequisite for the renewal of a ~~certificate of~~ registration as an environmental health specialist.

2. The Board may exempt an environmental health specialist from the requirements for continuing education if he or she is able to show good cause why the requirements could not be met. ~~The exemption may not be granted to a person more than once in any 6-year period.~~

3. An environmental health specialist who submits evidence satisfactory to the Board that he or she has retired and is no longer engaged in the practice of environmental health is exempt from the requirements for continuing education established pursuant to this section.

Sec. 32. NRS 625A.160 is hereby amended to read as follows:

625A.160 The grounds for initiating disciplinary action under this chapter are:

1. Unprofessional conduct;
2. Conviction of a felony relating to the practice of environmental health or any offense involving moral turpitude;
3. The suspension or revocation of a ~~certificate~~ **registration, certification** or license as an environmental health specialist by any other jurisdiction; or
4. Failure to meet the requirements for continuing education.

Sec. 33. NRS 625A.165 is hereby amended to read as follows:

625A.165 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 person who is the holder of a ~~certificate of~~ registration as an environmental health specialist or environmental health specialist trainee, the Board shall deem the ~~certificate of~~ registration issued to that 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 ~~certificate of~~ registration by the district attorney or other public agency pursuant to NRS 425.550 stating

that the holder of the ~~certificate of~~ registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a ~~certificate of~~ registration as an environmental health specialist or environmental health specialist trainee 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 person whose ~~certificate of~~ registration was suspended stating that the person whose ~~certificate of~~ registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 34. NRS 625A.170 is hereby amended to read as follows:

625A.170 The following acts, among others established by the Board, constitute unprofessional conduct:

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a ~~certificate of~~ registration;

2. ~~Habitual drunkenness or addiction to the use of a controlled substance;~~
Conduct that is harmful to the public health or safety;

3. Engaging in any conduct in his or her professional activities which is intended to deceive or which the Board has determined is unethical; or

4. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter or a regulation of the Board.

Sec. 35. NRS 625A.180 is hereby amended to read as follows:

625A.180 1. If the Board finds after notice and a hearing as required by law, or after providing an opportunity for such a hearing, that disciplinary *or other* action is necessary, ~~the Board~~ may, *in the case of an applicant, refuse to issue a registration, and in all other cases,* by order:

(a) Place the environmental health specialist or environmental health specialist trainee on probation for a specified period or until further order of the Board;

(b) Administer a public reprimand; ~~or~~

(c) Suspend or revoke his or her ~~certificate of~~ registration ~~+~~;

(d) **Refuse to renew his or her registration;**

(e) **Impose a civil penalty not to exceed \$5,000 for each act constituting grounds for disciplinary action; or**

(f) **Impose any combination of the disciplinary actions described in paragraphs (a) to (e), inclusive.**

2. If the order places an environmental health specialist or environmental health specialist trainee on probation, the Board may impose such limitations or conditions upon his or her professional activities as the Board finds consistent to protect the public health.

3. The Board shall not administer a private reprimand.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 36. NRS 625A.900 is hereby amended to read as follows:

625A.900 1. ~~On and after July 1, 2007, a~~ A person shall not engage in the practice of environmental health in this State unless the person holds a ~~certificate of~~ registration as an environmental health specialist *issued by the Board pursuant to NRS 625A.110, a temporary registration issued by the Board pursuant to section 10 of this act or a provisional registration* as an environmental health specialist trainee issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.115.*

2. Any person who violates any provision of this section is guilty of a misdemeanor.

3. *In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:*

(a) *Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper registration or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.*

(b) *Assess against the person an administrative fine of not more than \$5,000.*

(c) *Impose any combination of the penalties set forth in paragraphs (a) and (b).*

Sec. 37. NRS 625A.910 is hereby amended to read as follows:

625A.910 1. A person shall not use the title “registered environmental health specialist,” “environmental health specialist,” “registered sanitarian” or “sanitarian,” or the abbreviation “R.E.H.S.,” “E.H.S.” or “R.S.” after his or her name, unless the person holds a ~~certificate of~~ registration as an environmental health specialist issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.110.*

2. A person shall not use the title “environmental health specialist trainee,” or any abbreviation or letters after his or her name that would suggest that the person is an environmental health specialist trainee, unless the person holds a ~~certificate of~~ *provisional* registration as an environmental health specialist trainee issued by the Board pursuant to ~~this chapter.~~ *NRS 625A.115.*

3. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 38. NRS 625A.010, 625A.023, 625A.070, 625A.080, 625A.090 and 625A.140 are hereby repealed.

Sec. 39. This act becomes effective on July 1, 2019.

LEADLINES OF REPEALED SECTIONS

625A.010 Purpose of registration; certificate revocable.

625A.023 “Certificate of registration” and “certificate” defined.

625A.070 Biennial reports: Contents; distribution of copies.

625A.080 Records of proceedings; annual audits; seal; regulations.

625A.090 Maintenance of register of applicants and holders of certificates.

625A.140 Contents of certificate.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 194.

AN ACT relating to crimes; establishing a procedure **for requesting the sealing of certain records of criminal history** when ~~for certain~~ offenses are decriminalized; ~~to ensure certain actions are taken with respect to any person previously convicted of the offense;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that when an offense is decriminalized, ~~as soon as practicable, the Central Repository for Nevada Records of Criminal History is required to:~~ (1) ~~identify persons~~; **a person who was** convicted of the offense before the offense was decriminalized; ~~(2) notify such persons in writing;~~ (3) ~~destroy any physical or electronic record of criminal history in its possession relating to the conviction;~~ and (4) ~~notify any agency of criminal justice that has custody of any physical or electronic record of criminal history relating to the conviction.~~ **Section 1** also requires an agency of criminal justice that receives such a notice from the Central Repository, as soon as practicable after receiving such a notice, to ~~destroy any physical or electronic record of criminal history in its possession relating to the conviction.~~ Additionally, ~~section 1~~ provides that the conviction and all proceedings recounted in the record of criminal history are deemed never to have occurred, and the person convicted of the offense may properly answer accordingly to any inquiry concerning the conviction and the events and proceedings relating to the conviction. Finally, ~~section 1~~ provides that the person convicted of the offense is immediately restored to all civil rights if the person's civil rights previously have not been restored and the person has not been convicted of another offense for which the person's civil rights are not yet eligible for restoration. **may submit a request to any court in which the person was convicted that any record of criminal history relating to the conviction be sealed.** **Section 1** does not apply to a traffic offense. ~~Section 2~~ **Sections 1.3, 1.5, 1.7 and 2** of this bill ~~makes a~~ **make** conforming ~~change.~~ **changes.**

Section 3 of this bill provides that the requirements of this bill apply to offenses ~~that were~~ decriminalized before, on and after July 1, 2019.

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

Section 1. Chapter ~~179A~~ **179** of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if an offense is decriminalized:

- ~~(a) *The Central Repository shall, as soon as practicable:*~~
~~(1) *Identify any* Any person who was convicted of that offense before the date on which the offense was decriminalized ~~;~~~~
~~(2) *Notify, in writing, any person identified pursuant to subparagraph (1) of the provisions of this section at the last known address of the person;*~~
~~(3) *Destroy* may submit a written request to any court in which the person was convicted of that offense for the sealing of any ~~physical or electronic~~ record of criminal history in its possession and in the possession of any agency of criminal justice relating to the conviction. ~~;~~ and~~
~~(4) *Notify, in writing, any agency of criminal justice that has custody of any physical or electronic record of criminal history relating to the conviction.*~~
~~(b) *An agency of criminal justice that receives a notice from the Central Repository pursuant to subparagraph (4) of paragraph (a) shall, as soon as practicable after receiving such a notice, destroy any physical or electronic record of criminal history in its possession relating to the conviction.*~~
~~(c) *The conviction and all proceedings recounted in the record of criminal history are deemed never to have occurred, and the person convicted of the offense may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the conviction and the events and proceedings relating to the conviction.*~~
~~(d) *The person convicted of the offense is immediately restored to all civil rights if the person's civil rights previously have not been restored and the person has not been convicted of another offense for which the person's civil rights are not yet eligible for restoration. A person whose civil rights are restored pursuant to this paragraph must be given an official document from the Central Repository, sent to the last known address of the person, which demonstrates that the person has been restored to all civil rights.*~~

(b) Upon receipt of a request pursuant to paragraph (a), the court shall, as soon as practicable, send written notice of the request to the office of the prosecuting attorney that prosecuted the offense. If the office of the prosecuting attorney objects to the granting of the request, a written objection to the request must be filed with the court within 10 judicial days after the date on which notice of the request was received. If no written objection to the request is filed, the court shall grant the request. If a written objection to the request is filed, the court must hold a hearing on the request. At the hearing, the court shall grant the request unless the prosecuting attorney establishes, by clear and convincing evidence, that there is good

cause not to grant the request. The decision of the court to grant or deny the request is not subject to appeal.

2. No fee may be charged by any court or agency of criminal justice for the submission of a request pursuant to this section.

3. The provisions of this section do not apply to a traffic offense.

~~3.~~ **4. As used in this section:**

(a) “Decriminalized” means that an offense is no longer punishable as a crime as the result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.

(b) “Traffic offense” means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State.

Sec. 1.3. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 ~~+~~**or section 1 of this act,** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and
2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 1.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 ~~+~~**or section 1 of this act:**

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person’s civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person’s records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 1.7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 **or section 1 of this act** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

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

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

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 **or section 1 of this act** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595, 453.3365 or 458.330 for a conviction of another offense.

Sec. 2. ~~NRS 6.010 is hereby amended to read as follows:~~

~~6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other~~

~~infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 [.] or section 1 of this act.] (Deleted by amendment.)~~

Sec. 3. The amendatory provisions of this act apply to an offense that:

1. Was decriminalized before July 1, 2019; and
2. Is decriminalized on or after July 1, 2019.

Sec. 4. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 303.

SUMMARY—Prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information ~~+~~ **under certain circumstances.** (BDR 2-1004)

AN ACT relating to settlement agreements; prohibiting settlement agreements from containing provisions that prohibit or restrict a party from disclosing certain information relating to conduct that would qualify as a sexual offense under certain circumstances or discrimination on the basis of sex or a retaliation claim thereof ~~+~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information relating to a civil or administrative action, if such an action relates to conduct that would otherwise qualify as a sexual offense punishable as a felony under certain circumstances, discrimination on the basis of sex by an employer or a landlord or an act of retaliation by such an employer or a landlord for a claim of discrimination thereof. This bill makes any such provision void and unenforceable if it is contained within a settlement agreement entered into on or after July 1, 2019. This bill also prohibits a court from entering any order that prohibits or restricts the disclosure of such factual information.

This bill authorizes a claimant to request a provision within such a settlement agreement that shields his or her identity from public disclosure. If such a request is made, this bill requires the settlement agreement to contain a provision concerning the claimant's anonymity. This bill does not prohibit a settlement agreement from containing provisions that prohibit a party from disclosing the settlement amount. This bill also does not prohibit a court from

determining the factual basis of the civil action. **This bill exempts a settlement agreement that results from successful mediation or conciliation by the Nevada Equal Rights Commission from the requirements of this bill under certain circumstances.**

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

Section 1. Chapter 10 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NRS 233.190:

1. A settlement agreement must not contain a provision that prohibits or otherwise restricts a party from disclosing factual information relating to a claim in a civil or administrative action if the claim relates to any of the following:

(a) Conduct that if criminal liability were imposed would constitute a sexual offense pursuant to NRS 179D.097 and would be punishable as a felony, regardless of whether there was a criminal investigation, prosecution or conviction of such conduct;

(b) Discrimination on the basis of sex by an employer or a landlord; or

(c) Retaliation by an employer or a landlord against the claimant for his or her reporting of discrimination on the basis of sex.

2. If a settlement agreement is entered into on or after July 1, 2019, any provision in such an agreement that prohibits or otherwise restricts a party from disclosing factual information pursuant to subsection 1 is void and unenforceable.

3. A court shall not enter an order that prohibits or otherwise restricts the disclosure of factual information in a manner that conflicts with subsection 1.

4. Except as otherwise provided in subsection 5, upon the request of the claimant, the settlement agreement must contain a provision that prohibits the disclosure of:

(a) The identity of the claimant; and

(b) Any facts relating to the action that could lead to the disclosure of the identity of the claimant.

5. If a governmental agency or a public officer is a party to the settlement agreement pursuant to subsection 1, a claimant shall not request and the settlement agreement must not contain a provision pursuant to subsection 4.

6. Nothing in this section shall be construed to prohibit:

(a) A court from considering any pleading or other record to determine the factual basis of a civil claim pursuant to subsection 1; or

(b) An entry or enforcement of a provision in a settlement agreement pursuant to subsection 1 that prohibits disclosure by a party of the settlement amount.

7. As used in this section:

(a) *“Claimant” means a person who filed a claim in a civil action or an administrative action pursuant to subsection 1.*

(b) *“Employer” has the meaning ascribed to it in NRS 33.220.*

(c) *“Landlord” means an owner of real property, or the owner’s representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration.*

Sec. 2. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 394.

SUMMARY — ~~Authorizes a regional transportation commission to dispose of certain property.~~ **Revises provisions related to transportation.**
(BDR 22-579)

AN ACT relating to ~~regional~~ transportation; ~~commissions;~~ authorizing a regional transportation commission to sell certain property acquired through eminent domain proceedings or threat thereof at a public auction; **authorizing certain public transit systems to provide microtransit services;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a regional transportation commission, under certain circumstances, to exercise the power of eminent domain. (NRS 277A.250) ~~[This]~~ **Section 1 of this bill**, with limited exception, authorizes a regional transportation commission to sell at a public auction property acquired through eminent domain proceedings or purchased under the threat of eminent domain proceedings that is no longer needed for public use. **Section 2 of this bill makes a conforming change.**

Existing law authorizes a public transit system established in a county whose population is less than 700,000 to: (1) provide transportation services that deviate from the regular routes and fixed schedules of the public transit system if the deviation does not exceed one-half mile; and (2) provide transportation to certain persons upon request without regard to regular routes or fixed schedules of the public transit system by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority and is subject to the rules and regulations adopted by the Nevada Transportation Authority. (NRS 277A.280) Section 1.5 of this bill additionally authorizes such a public transit system to provide transportation to certain persons upon request and without regard to regular routes or fixed schedules by

use of microtransit, which is transportation by a multipassenger vehicle that carries fewer passengers than the vehicles normally used on regular routes and is dispatched through a digital network or software application service.

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 37.270 and except as otherwise provided by federal law, all real property, interests therein or improvements thereon and personal property acquired by a commission pursuant to chapter 37 of NRS or purchased under the threat of eminent domain proceedings may, after approval by the commission and if no longer needed for reasonable public use, be disposed of in accordance with the provisions of subsection 2, except that:

(a) If the property was originally donated to the commission, no charge may be made if the property is returned to the original owner or to the holder of the reversionary right.

(b) If in the opinion of the commission, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner;

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public street or highway; or

(4) The property is too small to establish an economically viable use by anyone other than an adjoining property owner,

↳ the commission may sell, lease, convey or otherwise dispose of the property for a reasonable price as determined by resolution to be in the best interest of the commission.

(c) When the property is sought by another public agency for a reasonable public use, the commission may first offer the property to the public agency at its fair market value pursuant to NRS 277.050.

2. All property, interests or improvements not included within the provisions of paragraph (a), ~~(b)~~ (b) or (c) of subsection 1 must first be offered for sale by the commission singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the commission's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auction and opening of bids must be conducted by the commission. If the property cannot be sold for 90 percent or more of its fair market value, the commission may enter into a written listing agreement

with a person licensed pursuant to chapter 645 of NRS to sell, lease, convey or otherwise dispose of the property for a reasonable price as determined by resolution to be in the best interest of the commission.

3. It is conclusively presumed in favor of the commission and any purchaser for value that the commission acted within its lawful authority in acquiring and disposing of the property, and executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature, and the commission shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the commission or its employees for a violation of this section.

5. The commission may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section. The easements, rights or interests include, without limitation:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

Sec. 1.5. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a

certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.

(c) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules if the service is provided by microtransit.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a fixed guideway project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a fixed guideway project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a fixed guideway project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.

(b) **“Microtransit” means transportation by a multipassenger vehicle that carries fewer passengers than the vehicles normally used on regular routes and is dispatched through a digital network or software application service.**

(c) “Minimum operable segment” means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.

~~(c)~~ **(d)** “Turnkey procurement” means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in

accordance with performance criteria and technical specifications established by the commission.

Sec. 2. NRS 37.260 is hereby amended to read as follows:

37.260 1. Except as otherwise provided in NRS 37.270, any real property, interest therein or improvement thereon which has been acquired in accordance with the provisions of this chapter or purchased under the threat of eminent domain proceedings by an association, commission, corporation, partnership or political subdivision other than a county, ~~for~~ incorporated city **or regional transportation commission created pursuant to NRS 277A.170** may be disposed of as surplus by that entity only in accordance with the provisions of this section.

2. The governing body of the entity desiring to dispose of the property pursuant to this section must first adopt a resolution declaring that the property is no longer required for the purposes for which it was acquired or for other reasonable public use.

3. The property, interest or improvement disposed of pursuant to this section must be sold by the entity to the highest bidder bidding for the property, either at public auction or by sealed bids, the notice and terms of which must be published in a newspaper of general circulation in the county where the property is situated at least once not less than 15 nor more than 45 days before the sale. When, in the opinion of the governing body of the entity, the property cannot be sold by means of public auction or sealed bids without working an undue hardship upon a property owner either as a result of a severance of that owner's property or a denial of access to a public street or highway, the governing body may first offer the property to that owner at a price determined by the governing body to be in the best interest of the corporation, partnership, association, commission or political subdivision.

4. If property is disposed of pursuant to this section, it is conclusively presumed in favor of any purchaser for value and without notice of any such real property, interest therein or improvement thereon conveyed pursuant to this section that the entity disposing of it acted within its lawful authority in acquiring and disposing of the property, and that the officers thereof acted within their lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and must not carry any warranty of title.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 304.

~~[(CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT))]~~

AN ACT relating to law enforcement; requiring law enforcement agencies in certain counties to participate in the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires law enforcement agencies in a county whose population is ~~[700,000]~~ **100,000** or more (currently Clark ~~[County]~~ **and Washoe Counties**) to participate in the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. **Section 1** of this bill: (1) requires the board of county commissioners of such a county to designate a forensic laboratory **or laboratories** to conduct ~~[ballistics testing]~~ **tests** and perform other duties set forth in **section 1**; (2) requires any law enforcement agency in the county that seizes or recovers a ~~[firearm]~~ **semiautomatic pistol or shell casing from a semiautomatic pistol** which was unlawfully possessed, used for an unlawful purpose, recovered from a crime scene or reasonably believed to have been used in or associated with the commission of a crime to deliver the ~~[firearm]~~ **semiautomatic pistol or shell casing** to ~~[the]~~ **a** designated forensic laboratory for the purpose of ~~[ballistics]~~ testing; and (3) requires ~~[the]~~ **a** designated forensic laboratory to conduct ~~[a ballistics test]~~ **tests** on the ~~[firearm]~~ **semiautomatic pistol or shell casing** and to input the resulting data from the ~~[ballistics test]~~ **tests** into the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. **Section 1** also requires ~~[the]~~ **a** designated forensic laboratory: (1) to coordinate with all participating law enforcement agencies when investigations require the use of the National Integrated Ballistic Information Network; and (2) as feasible, to provide expert ~~[witnesses]~~ **witness testimony** during criminal cases. ~~[for purposes of providing expert testimony regarding ballistics testing.]~~

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 a new section to read as follows:

1. In a county whose population is ~~[700,000]~~ 100,000 or more:

(a) The board of county commissioners of the county shall designate a forensic laboratory or laboratories to conduct ~~[ballistics]~~ tests and perform the other duties set forth in this section.

(b) Except as otherwise provided in this paragraph, any law enforcement agency in the county that seizes or recovers a ~~[firearm]~~ semiautomatic pistol or shell casing from a semiautomatic pistol which was unlawfully possessed, used for an unlawful purpose, recovered from a crime scene or reasonably

believed to have been used in or associated with the commission of a crime shall, as soon as practicable after seizing or recovering the ~~firearm~~ semiautomatic pistol or shell casing, deliver the ~~firearm~~ semiautomatic pistol or shell casing to ~~the~~ a designated forensic laboratory for the purpose of ~~ballistics~~ testing. If a ~~firearm~~ semiautomatic pistol or shell casing is being used as evidence in a criminal case, the ~~firearm~~ semiautomatic pistol or shell casing must be delivered to ~~the~~ a designated forensic laboratory as soon as possible after the ~~firearm~~ semiautomatic pistol or shell casing is no longer being used as evidence in the criminal case.

(c) Upon receipt of a ~~firearm~~ semiautomatic pistol from a law enforcement agency pursuant to this section, the designated forensic laboratory shall:

(1) ~~Conduct a ballistics test on the firearm,~~ Test the semiautomatic pistol, which must include, without limitation, firing the ~~firearm~~ semiautomatic pistol and photographing bullets and shell casings;

(2) Input the resulting data from the ~~ballistics test~~ test-fired cartridge case into the National Integrated Ballistic Information Network; and

(3) After performing the duties set forth in subparagraphs (1) and (2), return the ~~firearm~~ semiautomatic pistol to the law enforcement agency that delivered the ~~firearm~~ semiautomatic pistol.

(d) Upon receipt of a shell casing from a law enforcement agency pursuant to this section, the designated forensic laboratory shall:

(1) Conduct a ballistics test on the shell casing;

(2) Input the resulting data from the ballistics test into the National Integrated Ballistic Information Network; and

(3) After performing the duties set forth in subparagraphs (1) and (2), return the shell casing to the law enforcement agency that delivered the shell casing.

(e) In addition to performing the duties set forth in ~~paragraph (c), the~~ paragraphs (c) and (d), a designated forensic laboratory shall:

(1) Coordinate with all participating law enforcement agencies when investigations require the use of the National Integrated Ballistic Information Network; and

(2) As feasible, provide expert ~~witnesses~~ witness testimony during criminal cases ~~for purposes of providing expert testimony regarding ballistics testing.~~

(f) A designated forensic laboratory may charge a law enforcement agency for its actual costs in performing its duties pursuant to this section.

2. As used in this section:

(a) "Designated forensic laboratory" means ~~the~~ a forensic laboratory designated by the board of county commissioners pursuant to paragraph (a) of subsection 1.

(b) "National Integrated Ballistic Information Network" means the National Integrated Ballistic Information Network established and

maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~{}~~, **and section 1 of this act:**

1. “Explosive or incendiary device” means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. “Firearm capable of being concealed upon the person” applies to and includes all firearms having a barrel less than 12 inches in length.

4. “Motor vehicle” means every vehicle that is self-propelled.

Sec. 3. ~~{The provisions of NRS 354.509 do not apply to any additional expenses of a local government that are related to the provisions of this act.}~~
(Deleted by amendment.)

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 199.

AN ACT relating to victims of crime; establishing provisions relating to certain victims of crime who petition for certain temporary federal immigration benefits; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law establishes the U nonimmigrant status, or U visa, to provide temporary immigration benefits for victims of certain crimes who have suffered mental or physical abuse and who are helpful to law enforcement in the investigation or prosecution of criminal activity. Existing federal law requires the petitioner of a U visa to submit several documents, including a Form I-918, Supplement B, U Nonimmigrant Status Certification. Existing federal law authorizes a certifying official to complete and sign the petitioner’s Form I-918, Supplement B, if the official determines that the petitioner was the victim of certain criminal activity and that the victim was helpful, is being helpful or is likely to be helpful to the investigation or prosecution of criminal activity. (8 U.S.C. §§ 1101(a)(15)(U), 1184(p))

Section 8 of this bill authorizes the petitioner of a U visa to request, from a certifying agency, the certification of his or her Form I-918, Supplement B. If a certifying agency receives such a request, **section 8** requires the certifying

agency to determine whether the petitioner was the victim of applicable criminal activity and was helpful, is being helpful or is likely to be helpful to the investigation or prosecution of that criminal activity. **Section 8** then requires a certifying official from the certifying agency to: (1) complete and sign the Form I-918, Supplement B; and (2) include specific details concerning the nature of the criminal activity and the helpfulness of the petitioner.

Section 8 also provides a rebuttable presumption of the petitioner's helpfulness, unless the petitioner refused or failed to aid law enforcement in the investigation or prosecution of the criminal activity. Further, when determining whether the petitioner meets the requirements of the Form I-918, Supplement B, **section 8** prohibits a certifying agency from considering the period of time between when the petitioner was victimized by the criminal activity and when the petitioner requested certification or whether there is an active criminal investigation, the filing of charges or a prosecution or conviction of the criminal activity.

Section 9 of this bill requires a certifying agency to process the certification of the Form I-918, Supplement B, within 90 days after the date of the petitioner's request, unless the petitioner is 20 years of age or in the process of being deported, in which case the request must be processed within 14 days.

Section 10 of this bill prohibits a certifying agency from withdrawing the certification of the Form I-918, Supplement B, unless the petitioner refuses or fails to assist a law enforcement agency in the prosecution or investigation of the criminal activity. **Section 10** also prohibits a certifying agency from disclosing the immigration status of a petitioner unless the certifying agency is required to do so because of federal law or a court order or the petitioner consents, in writing, to such a disclosure. **Section 10** does not relieve a prosecutor or law enforcement officer from his or her duty to disclose exculpatory evidence to a defendant in a criminal case.

Section 10 also requires certifying agencies to develop a protocol to help petitioners who have a limited proficiency in the English language or who are deaf, hard of hearing or speech impaired in the certification process. **Section 10** also requires each certifying agency that receives a request for certification to submit an annual report to the Legislature concerning certain statistics related to the certification process.

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

Section 1. Chapter 217 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Certification" means the certification of a Form I-918, Supplement B, U Nonimmigrant Status Certification, as required by 8 U.S.C.*

§ 1184(p) regarding a Form I-918, Petition for U Nonimmigrant Status by a certifying agency.

Sec. 4. “Certifying agency” means:

1. A state or local law enforcement agency;
2. A prosecutor;
3. A judge; or
4. Any other governmental agency that has criminal, civil or administrative investigative or prosecutorial authority.

Sec. 5. “Certifying official” means:

1. The head of a certifying agency; or
2. A person who has been designated by the head of a certifying agency to complete a certification.

Sec. 6. “Criminal activity” means an offense for which the elements are substantially similar to an offense described in 8 U.S.C. § 1101(a)(15)(U)(iii) or the attempt, solicitation or conspiracy to commit such an offense.

Sec. 7. “Petitioner” means a person who requests a certification.

Sec. 8. 1. Upon the request of a petitioner for a certification, a certifying agency shall determine whether the petitioner:

- (a) Was the victim of criminal activity; and
 - (b) Has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity.
2. If a certifying agency determines that a petitioner satisfies the requirements of subsection 1, the certifying official shall complete and sign the certification. A completed certification must include, without limitation, a detailed description of:

- (a) The nature of the criminal activity described in subsection 1; and
- (b) The helpfulness of a petitioner or the likeliness that a petitioner will be helpful in the investigation or prosecution of that criminal activity.

3. For the purpose of determining whether the petitioner meets the requirements of subsection 1, the certifying agency shall not consider:

- (a) The period of time between when the petitioner was victimized by the criminal activity and when the petitioner submitted his or her request for certification;
- (b) Whether there is an active investigation of the criminal activity;
- (c) Whether a formal statement of charges has been filed regarding the alleged criminal activity; or
- (d) Whether there was a prosecution or conviction of the criminal activity.

4. For the purpose of determining helpfulness pursuant to subsection 1, there is a rebuttable presumption that a petitioner has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity, unless the petitioner refused or failed to provide assistance that was reasonably requested by a law enforcement agency in the investigation or prosecution of that criminal activity.

Sec. 9. A certifying agency shall process a request for a certification within 90 days after the date of the request pursuant to section 8 of this act,

unless the petitioner is 20 years of age or a party to a federal immigration proceeding for his or her removal, in which case the certifying agency shall process the certification within 14 days after the date of the request.

Sec. 10. 1. *A certifying agency shall not:*

(a) Disclose the immigration status of a petitioner unless such a disclosure is mandated by federal law or court order or the petitioner consents, in writing, to such a disclosure.

(b) Withdraw a certification unless the petitioner refuses to provide assistance that was reasonably requested by a law enforcement agency in the investigation or prosecution of the criminal activity described in section 8 of this act.

2. *A certifying agency shall develop a protocol to assist petitioners:*

(a) Who have a limited proficiency in the English language.

(b) Who are deaf, hard of hearing or speech impaired.

3. *On or before January 1 of each year, each certifying agency that receives a request for a certification pursuant to section 8 of this act shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth:*

(a) The number of such requests received by the certifying agency;

(b) The number of certifications completed by the certifying agency;

~~*(c)*~~

(c) The number of certifications denied by the certifying agency ~~for~~; and

(d) For each denial of a certification by the certifying agency, the reasons for that denial.

4. *Nothing in this section shall be construed to relieve any obligation placed upon a prosecuting attorney or law enforcement official by the Nevada Constitution or the United States Constitution to disclose exculpatory evidence to a defendant.*

Sec. 11. 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. 12. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 147.

AN ACT relating to motor vehicles; **requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a driver's license for certain homeless youth;**

revising provisions requiring the Department of Motor Vehicles to provide a duplicate driver's license or duplicate identification card to a homeless person free of charge in certain circumstances; revising provisions requiring the State Registrar to provide certain certificates to a homeless person free of charge in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to require applicants for a driver's license to submit to an examination. (NRS 483.330) The fee for administration of the examination is \$25. (NRS 483.410) Section 1 of this bill requires the Department to waive the fee for the examination not more than one time for a homeless child or youth under the age of 25 years. Section 2 of this bill makes a conforming change.

Existing law requires the Department ~~of Motor Vehicles~~ to waive the fees for furnishing a duplicate driver's license or a duplicate identification card to a homeless person. The homeless person must reimburse the Department for a certain portion of the fee if the vendor who produces the license or card does not waive the cost it charges the Department to produce the photograph of the homeless person. (NRS 483.417, 483.825) ~~Sections 1 and 2~~ **3 and 4** of this bill require the Department to waive all of the fees, including any reimbursement, for furnishing an original or duplicate driver's license or an original or duplicate identification card to a homeless child or youth under the age of 25 years.

Existing law prohibits the State Registrar from charging a fee for furnishing a certified copy of a record of birth to: (1) a homeless person; or (2) a person who was released from prison within the 90 days immediately preceding the person's request for such a copy. (NRS 440.700) ~~Section 4~~ **5** of this bill clarifies that a homeless child or youth is entitled to such a free certified copy of a record of birth, and authorizes certain social workers and persons designated by a local educational agency to obtain a certified copy of a record of birth on behalf of a homeless child or youth in certain circumstances. ~~Section 4~~ **5** also requires the State Registrar to provide an unaccompanied youth, without the payment of a fee, a certificate limited to a statement as to the date of birth of the unaccompanied youth, as disclosed by the record of such birth, when the certificate is necessary for admission to school or for securing employment.

Section 6 of this bill provides that these changes become effective on January 1, 2020.

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

Section 1. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS

483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or

484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver’s license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

5. The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

6. As used in this section, “homeless child or youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 2. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6 and NRS **483.330 and** 483.417, for every driver’s license, including a motorcycle driver’s license, issued and service performed, the following fees must be charged:

An original or renewal license issued to a person 65 years of age or older	\$13.50
An original or renewal license issued to any person less than 65 years of age which expires on the eighth anniversary of the licensee’s birthday	37.00
An original or renewal license issued to any person less than 65 years of age which expires on or before the fourth anniversary of the licensee’s birthday.....	18.50
Administration of the examination required by NRS 483.330 for a noncommercial driver’s license.....	25.00
Each readministration to the same person of the examination required by NRS 483.330 for a noncommercial driver’s license	10.00
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	75.00
Reinstatement of a license after revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	120.00

A new photograph, change of name, change of other information, except address, or any combination	5.00
A duplicate license.....	14.00

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing a license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless the person is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

~~Section 1.~~ **Sec. 3.** NRS 483.417 is hereby amended to read as follows:
483.417 1. ~~The~~ ***Except as otherwise provided in subsection 4, the*** Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail or detention facility, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless

person or person released from prison or a county, city or town jail or detention facility for a duplicate driver's license.

3. ~~¶¶~~ ***Except as otherwise provided in subsection 4, if*** the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

- (a) Applies to the Department for the renewal of his or her driver's license; and
- (b) Is employed at the time of such application.

4. ***The Department shall waive the fee prescribed by NRS 483.410, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 not more than one time for furnishing an original driver's license or a duplicate driver's license to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.***

5. The Department may accept gifts, grants and donations of money to fund the provision of ***original and*** duplicate drivers' licenses without a fee to persons pursuant to ~~subsection~~ ***subsections 1 ~~¶~~ and 4.***

6. ***As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.***

~~¶Sec. 2.¶~~ ***Sec. 4.*** NRS 483.825 is hereby amended to read as follows:

483.825 1. ~~¶The~~ ***Except as otherwise provided in subsection 4, the*** Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

- (a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.
- (b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.
- (c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. ~~¶¶~~ ***Except as otherwise provided in subsection 4, if*** the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the

person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. *The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 not more than one time for furnishing an original identification card or a duplicate identification card to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.*

5. The Department may accept gifts, grants and donations of money to fund the provision of *original and* duplicate identification cards without a fee to persons pursuant to ~~subsection~~ *subsections 1 ~~1~~ and 4.*

~~5.~~ 6. As used in this section ~~is~~, "photograph":

(a) *"Homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.*

(b) *"Photograph" has the meaning ascribed to it in NRS 483.125.*

~~Sec. 3.~~ *Sec. 5.* NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of \$1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person, *including, without limitation, a homeless child or youth*, who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) *A staff person of a local educational agency who has been designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) for a certified copy of a record of birth of a homeless child or youth who is enrolled in the local educational agency.*

(d) *A social worker licensed to practice in this State, for a certified copy of a record of birth of a homeless child or youth who is a client of the social worker.*

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of \$1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian ~~†~~ *or an unaccompanied youth*, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child *or of the unaccompanied youth* as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

9. *As used in this section:*

(a) *“Homeless child or youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.*

(b) *“Local educational agency” has the meaning ascribed to it in 42 U.S.C. § 11434a.*

(c) *“Unaccompanied youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.*

~~Sec. 4.~~ **Sec. 6.** This act becomes effective on ~~July 1, 2019.~~ **January 1, 2020.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 202.

AN ACT relating to crimes; authorizing a **court to reduce the sentence of a person convicted of certain attempt crimes** ~~to petition the court for modification of his or her sentence,~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that an act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. The punishment for attempt crimes varies based upon the category of crime the defendant was attempting to commit. An attempt to commit a category C felony is punishable as a category D felony or gross misdemeanor, an attempt to commit a category D felony is punishable as a category E felony or gross misdemeanor, and an attempt to commit a category E felony is punishable as a category E felony or gross misdemeanor. (NRS 193.330) The crimes of attempting to commit a category C, D or E felony are commonly referred to as “wobblers” because such crimes are punishable as either felonies or gross misdemeanors, in the discretion of the judge.

This bill provides that if a person is convicted of the crime of attempting to commit a category C, D or E felony and the court imposes a felony sentence ~~upon completion of his or her sentence, the person may petition~~ **and places the person on probation,** the court ~~to have~~ **may, under certain circumstances, retain jurisdiction of the case for the purpose of reducing the original sentence** ~~modified~~ **from a felony to a gross misdemeanor** ~~upon successful completion of probation and compliance with the terms and conditions established for the sentence to be reduced.~~

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

Section 1. NRS 193.330 is hereby amended to read as follows:

193.330 1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, 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.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B 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 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or 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.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or 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.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or 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.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

3. ~~##~~ **Except as otherwise provided in subsection 4, if a person who attempts to commit a category C, D or E felony is punished for a category D**

~~or E felony ~~§~~ and placed on probation, the ~~person may, upon completion of his or her sentence, petition the court of original jurisdiction to request to have the original sentence modified from a felony to a gross misdemeanor. At the time of filing such a petition, the person shall give notice of the petition to the prosecuting attorney who had jurisdiction in the original proceedings. Within 30 days after receiving notice of the filing of the petition, the prosecuting attorney shall file a response to the petition. In the response to the petition, the prosecuting attorney may recommend that the petition be granted or denied or may decline to offer a recommendation. If the prosecuting attorney recommends that the petition be granted or declines to offer a recommendation, the court may decide the petition without a hearing. If the prosecuting attorney recommends that the petition be denied, then the court shall schedule a hearing on the petition. At the hearing, the court may consider any evidence deemed appropriate by the court. After considering the petition, any recommendation from the prosecuting attorney and, if a hearing is held, the evidence presented at the hearing, the court may:~~~~

~~(a) Grant the petition and modify the original sentence from a felony to a gross misdemeanor; or~~

~~(b) Deny the petition. An order denying a petition is not subject to appeal.~~
court may retain jurisdiction of the case for the purpose of reducing the sentence of the person from a felony to a gross misdemeanor. If the court retains jurisdiction for the purpose of reducing the sentence of a person pursuant to this subsection, the court must:

(a) At the time of sentencing the person, specifically state, on the record:

(1) The intention to retain jurisdiction for the purpose of reducing the sentence of the person pursuant to this subsection;

(2) The terms and conditions the person must comply with for the sentence to be reduced; and

(3) That it is the responsibility of the person to ensure that the case is calendared by the court for a reduction of sentence pursuant to this subsection upon successful completion of probation and compliance with the terms and conditions established for the sentence to be reduced; and

(b) Ensure that the judgment of conviction contains:

(1) A statement that the court is retaining jurisdiction for the purpose of reducing the sentence of the person pursuant to this subsection; and

(2) The terms and conditions the person must comply with for the sentence to be reduced.

4. The court may not retain jurisdiction of a case for the purpose of reducing the sentence of a person pursuant to subsection 3 if:

(a) The person has entered a plea of guilty pursuant to a plea agreement, and the plea agreement specifically states that the offense is to be treated as a felony; or

(b) The person has previously had a sentence reduced pursuant to subsection 3.

Sec. 2. The amendatory provisions of this act apply to offenses committed on or after October 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 498.

AN ACT relating to industrial insurance; authorizing compensation under industrial insurance for posttraumatic stress disorder suffered by a first responder under certain circumstances; exempting a claim for posttraumatic stress disorder suffered by a first responder from certain provisions governing certain other stress-related claims; exempting a claim for posttraumatic stress disorder suffered by a first responder from certain prohibitions on compensation for an injury and temporary disability; exempting a claim for posttraumatic stress disorder suffered by a first responder from certain provisions governing the calculation of compensation for a permanent partial disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable under industrial insurance. **Section 1:** (1) sets forth the circumstances under which such a claim is compensable; (2) sets forth provisions governing the notice of such an injury and the claim for compensation; (3) exempts such benefits from apportionment due to preexisting posttraumatic stress disorder and limitations on the duration of temporary benefits; (4) requires an agency which employs a first responder to provide educational training on mental health issues; and (5) requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations.

Existing law provides that a certain injury or disease sustained by an employee that is caused by stress is compensable under industrial insurance if it arose out of and in the course of his or her employment and sets forth the requirements for such a claim. (NRS 616C.180) **Section 2** of this bill exempts a claim for posttraumatic stress disorder suffered by a first responder from these requirements.

Existing law prohibits the payment of temporary compensation benefits for an injury or temporary total disability which does not incapacitate the employee for a minimum number of days. (NRS 616C.400, 617.420) **Sections 3 and 5** of this bill exempt a claim for posttraumatic stress disorder suffered by a first responder from these prohibitions.

Existing law prohibits the consideration of factors other than the degree of physical impairment of the whole person in calculating the entitlement to compensation for a permanent partial disability except in the case of certain claims for stress. (NRS 616C.490) **Section 4** of this bill exempts a claim for compensation for posttraumatic stress disorder suffered by a first responder from this prohibition.

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

Section 1. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Posttraumatic stress disorder, as described in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, suffered by a first responder is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if:*

(a) The posttraumatic stress disorder is demonstrated by clear and convincing evidence;

(b) The posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment, except as otherwise provided in subsection 3; and

(c) The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist who is authorized as a treating physician pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, or a psychologist who is licensed pursuant to chapter 641 of NRS, due to one or more ~~of the following~~ traumatic events ~~+~~, including, without limitation:

(1) Seeing for oneself a deceased minor;

(2) Directly witnessing the death of a minor;

(3) Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;

(4) Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;

(5) Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;

(6) Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;

(7) Directly witnessing a death, including, without limitation, suicide, that involved grievous bodily harm of a nature that shocks the conscience;

(8) Directly witnessing a homicide, regardless of whether the homicide was criminal or excusable, including, without limitation, murder, mass killing as defined in 28 U.S.C. § 530C(b)(1)(m), manslaughter, self-defense, misadventure and negligence;

(9) *Directly witnessing an injury, including, without limitation, an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;*

(10) *Participating in the physical treatment of an injury, including, without limitation, an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or*

(11) *Manually transporting a person who was injured, including, without limitation, by attempted suicide, and who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.*

2. *Eligibility for benefits for a first responder pursuant to this section does not require a physical injury to the first responder.*

3. *For the purposes of paragraph (b) of subsection 1, a first responder is deemed not to be acting in the course of his or her employment if the first responder:*

(a) *Is off duty; or*

(b) *Is outside the jurisdiction of his or her employer.*

4. *The time for notice of injury or death in the case of a claim for compensation for posttraumatic stress disorder pursuant to this section is the same as that set forth in NRS 616C.015 or 617.342, as applicable, and is measured from one of the qualifying events listed in paragraph (c) of subsection 1 or the manifestation of the disorder, whichever is later.*

5. *A claim for compensation pursuant to this section must be properly filed pursuant to NRS 616C.020 or 617.344 not later than 52 weeks after the qualifying event or manifestation of the disorder.*

6. *Benefits for a first responder pursuant to this section are not subject to:*

(a) *Apportionment due to a preexisting posttraumatic stress disorder pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS; or*

(b) *Any limitation on the duration of temporary benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.*

7. *An agency which employs a first responder, including without limitation, a first responder who serves as a volunteer, shall provide educational training related to the awareness, prevention, mitigation and treatment of mental health issues.*

8. *The Division shall adopt regulations which specify the injuries that qualify as grievous bodily harm of a nature that shocks the conscience for the purposes of this section.*

9. *As used in this section:*

(a) *“Directly witnessing” means to see or hear for oneself.*

(b) *“Emergency medical attendant” means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of*

NRS, whose primary duties of employment are the provision of emergency medical services.

(c) *“First responder” means:*

- (1) *A salaried or volunteer firefighter;*
- (2) *A police officer;*
- (3) *An emergency medical attendant;*
- (4) *An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State;*
- (5) *A crime scene investigator who is employed by a law enforcement or public safety agency in this State;*
- (6) *A forensic investigator who is employed by a law enforcement or public safety agency in this State; or*
- (7) *A county coroner or medical examiner.*

(d) *“Manually transporting” means to perform physical labor to move the body of a wounded person for his or her safety or medical treatment.*

Sec. 2. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457 ~~††~~ **or section 1 of this act.**

Sec. 3. NRS 616C.400 is hereby amended to read as follows:

616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.

2. The period prescribed in this section does not apply to:

(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the

provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.

(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.

(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457 ~~H~~ **or section 1 of this act.**

Sec. 4. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, “disability” and “impairment of the whole person” are equivalent terms.

2. Within 30 days after receiving from a physician or chiropractor a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractor selected pursuant to this subsection to determine the extent of the employee’s disability. Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor:

(a) The insurer shall select the rating physician or chiropractor from the list of qualified rating physicians and chiropractors designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association’s Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(b) Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the Administrator, according to their area of specialization and the order in which their names appear on the list unless the next physician or chiropractor is currently an employee of the insurer making the selection, in which case the insurer must select the physician or chiropractor who is next on the list and who is not currently an employee of the insurer.

3. If an insurer contacts the treating physician or chiropractor to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractor that portion or a summary of that portion of the American Medical Association’s Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

4. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee’s disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

↪ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

5. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180 ~~††~~ **or section 1 of this act**, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

6. The rating physician or chiropractor shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

7. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

↪ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

8. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.

9. Except as otherwise provided in subsection 10, if there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

10. If a rating evaluation was completed for a previous disability involving a condition, organ or anatomical structure that is identical to the condition, organ or anatomical structure being evaluated for the present disability, the percentage of disability for a subsequent injury must be determined by

deducting the percentage of the previous disability from the percentage of the present disability, regardless of the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 used to determine the percentage of the previous disability. The compensation awarded for a permanent disability on a subsequent injury must be reduced only by the awarded or agreed upon percentage of disability actually received by the injured employee for the previous injury regardless of the percentage of the previous disability.

11. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

12. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

13. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 5. NRS 617.420 is hereby amended to read as follows:

617.420 1. No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.

2. The limitations in this section do not apply to medical benefits, including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457, *or section 1 of this act*, which must be paid from the date of application for payment of medical benefits.

Sec. 6. 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. 7. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Molly Bilbray-Axelrod.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Giannopoulos and Genesis Giannopoulos.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 22, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:52 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly