

# NEVADA LEGISLATURE

Eighty-First Session, 2021

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## ASSEMBLY DAILY JOURNAL

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### THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 17, 2021

Assembly called to order at 11:59 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Jake Musselman.

God, You are the source of all wisdom, and Your wisdom is filled with goodness and grace. As these Assemblymen and women gather today, fill their minds with wisdom so that they enact laws that bring forth truth and care for one another. Use the path of humility to bring us closer to You, closer to each other, and closer to Your good will for this great state. Do all this by Your grace and for Your glory.

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 Education, to which were referred Senate Bills Nos. 2, 128, 151, 160, 172, 193, 249, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

*Mr. Speaker:*

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 18, 59, 259, 285, 371, 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 were referred Senate Bills Nos. 58, 60, 66, 204, 362, 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 Senate Concurrent Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DANIELE MONROE-MORENO, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 166, 203, 358, 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 Judiciary, to which was referred Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

STEVE YEAGER, *Chair*

*Mr. Speaker:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 441; Senate Bill No. 84; Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 82; Senate Joint Resolutions Nos. 6, 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 176, 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 Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BRITTNEY MILLER, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 43, 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which were referred Senate Bills Nos. 63, 114, 125, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 2021

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 4, 6, 18, 27, 30, 31, 33, 34, 43, 54, 60, 64, 72, 74, 75, 118, 413, 420, 437; Assembly Joint Resolutions Nos. 2, 4; Assembly Joint Resolution No. 10 of the 80th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 439.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Frierson, Benitez-Thompson and Titus:

Assembly Resolution No. 6—Adding former Nevada Assembly Sergeant at Arms Robin Bates to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members and staff selected by leadership who have served with great distinction and who have made exemplary contributions to the State of Nevada; and

WHEREAS, Robin Bates served as the Assembly Sergeant at Arms from 2011 to 2021 and was well-loved for his humor and impressive leadership that inspired staff to perform their best; and

WHEREAS, During his tenure as the law enforcement officer for the Assembly, Robin was known for enforcing order and decorum in the Chamber with honor, distinction and integrity and insisting that his office reflect the seriousness of the state's legislative institution; and

WHEREAS, Prior to his service with the Assembly, Robin had long demonstrated his commitment to protecting the community and promoting the public good, beginning a career with the Department of Prisons in 1974; and

WHEREAS, Robin made significant improvements to the state's correctional system, overseeing the implementation and eventual computerization of an inmate classification system that substantially benefitted the safety of both staff and inmates; and

WHEREAS, Robin co-founded the wild horse adoption program through the Department of Corrections, which continues to benefit wild horses gathered from public lands across the West and the inmates responsible for gentling and caring for them; and

WHEREAS, After nearly three decades of service, Robin retired in 2002 as warden of the Warm Springs Correctional Center and went on to invest more than 13 years with the State Board of Parole Commissioners as a hearing officer; and

WHEREAS, Robin continued to serve the community through charitable work, co-founding the Nevada State Prison Preservation Society, a nonprofit committed to preserving and maintaining the historic Nevada State Prison for future generations; and

WHEREAS, Every Nevadan can be proud of Robin's positive influence and honorable service to his community and this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, for his dedicated service to the State of Nevada and for the joy that he brought to those around him, former Assembly Sergeant at Arms Robin Bates is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of former Sergeant at Arms Robin Bates; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Mr. Speaker and Assemblywoman Benitez-Thompson.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

We had some remarks in honor of Mr. Bates previously. Literally, as I was walking in the door and looking at the picture with that little bit of smirk on one side, I thought to myself, What was he up to? We talked about him being a prankster and that he played the long game. I am not even kidding—I literally just thought about it and looked down. Some of you who are here may remember when I became Speaker in 2017, as I was beginning to preside as Speaker, this phone right here rang. There are only two people who know this phone number. So it just dawned on me—how many years later? Talk about the long game. It dawned on me that Robin probably

figured out a way to make sure I was getting a phone call right when I became Speaker. Robin, I just got it.

I think that speaks to how fun it was to have him and how appreciative we are to have been able to spend—I am not even making that up. I really did think about this just now—how fun it has been and how fortunate we are that his family lent a little bit of Robin to us for such a long time. We deeply appreciate it.

ASSEMBLYWOMAN BENITEZ THOMPSON:

I want to make sure we acknowledge Mr. Bates' family who is here with us today. We have his spouse and his two sons. We have his sister-in-law, and we have family and friends who are with us today. I want to thank you so much for lending Robin to us and allowing him to serve here as Sergeant at Arms for so long.

I know he had a distinguished career in the state system with the prisons. I learned that when he took me on a tour of the Nevada State Prison. I got to hear all about it. It was fascinating work. He told me about being locked in with the death row inmates. He said he had a feel of what it was like to be institutionalized because he got locked in at the beginning of shift and he was not let out until the end of that shift. He showed me his little office there in the cell where he worked for so long.

At the same time he took me on a tour of the prison, they were shooting the independent film about the horse program. He was just on cloud nine talking about set design and more. I can only imagine having a program that you love and set up and then having a director come along wanting to make a movie about the work and the program that you set up. How special that is and how special the good work is that we can do in our state that reaches out beyond us.

I said to you earlier that I wanted to thank you for letting us do this today. A piece of it feels selfish because we think of him as ours, and he was not. This was his career, but you are his family. I thank you so much for all of the time and the hours that you let him spend with us here. I apologize for the late nights that we took him away from you. I apologize for the weekends that we pulled him away from you, but I cannot be more thankful for the time we had with him. He was such a special person.

Resolution adopted.

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

Assembly in recess at 12:15 p.m.

#### ASSEMBLY IN SESSION

At 4:22 p.m.

Mr. Speaker presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was rereferred Senate Bill No. 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 247, 289, 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA JAUREGUI, *Chair*

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 36, 215, 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

EDGAR FLORES, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 31, 45, 50, 359, 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 Natural Resources, to which were referred Senate Bills Nos. 33, 54, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2021

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 2, 13, 14, 20, 21, 22, 23, 24, 25, 28, 38, 47, 48, 59, 63, 68, 69, 70, 73, 76, 77, 96, 119, 123, 154, 157, 171, 173, 188, 217, 281, 308, 338, 403, 406, 417, 442; Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 19, Amendment No. 512; Assembly Bill No. 52, Amendment No. 509; Assembly Bill No. 227, Amendment No. 518; Assembly Bill No. 257, Amendment No. 499; Assembly Bill No. 426, Amendments Nos. 494, 511, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 55, 154, 158, 194, 385, 430.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS AND NOTICES

##### Senate Concurrent Resolution No. 9.

Assemblyman Watts moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

##### Senate Bill No. 34.

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

Motion carried.

Senate Bill No. 55.

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 Ways and Means.

Motion carried.

Senate Bill No. 158.

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

Motion carried.

Senate Bill No. 194.

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

Motion carried.

Senate Bill No. 385.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 430.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 439.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 459.

Bill read second time.

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

Amendment No. 508.

AN ACT relating to workforce development; moving the Office of Workforce Innovation from the Office of the Governor to the Department of Employment, Training and Rehabilitation; providing that the Executive Director of the Office of Workforce Innovation and the State Apprenticeship Director are in the unclassified service of the State; revising provisions

**relating to the administration and oversight of the State Apprenticeship Council;** and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes the Office of Workforce Innovation in the Office of the Governor. (NRS 223.800) **Sections 1, 3 and 8** of this bill move the Office of Workforce Innovation from the Office of the Governor into the Department of Employment, Training and Rehabilitation. **Sections 2-7 and 15** of this bill reorganize existing provisions of law related to the Office of Workforce Innovation to account for moving the Office into the Department. **Sections ~~9-11~~ 9, 10 and 13** of this bill update internal references to existing sections of law relating to the Office.

Existing law provides that the Executive Director of the Office of Workforce Innovation is not in the classified or unclassified service of the State. (NRS 223.810) **Section 4** of this bill provides that the Executive Director is in the unclassified service of the State.

**Under existing law, the Office of Workforce Innovation is responsible and accountable for apprenticeship in this State as this State’s registration agency. (NRS 223.800) Section 10.5 of this bill instead requires the Office of the Labor Commissioner to: (1) act as the State Apprenticeship Agency; and (2) oversee the State Apprenticeship Council and the State Apprenticeship Director. Sections 11, 11.3, 11.7, 12.3 and 12.7 of this bill make conforming changes to existing provisions of law related to the Office of Workforce Innovation to account for the Labor Commissioner’s oversight of the State Apprenticeship Council.**

Existing law requires the Governor to appoint a State Apprenticeship Director who is not in the classified or unclassified service of the State. (NRS 610.110) **Section 12** of this bill **instead requires the Labor Commissioner to appoint a State Apprenticeship Director and** provides that the State Apprenticeship Director is in the unclassified service of the State.

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

**Section 1.** NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology, the Office of the Western Regional Education Compact ~~1, the Office of Workforce Innovation~~ and the Governor’s mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. Except as otherwise provided by specific statute, the Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

↪ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, “Administrator” means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

**Sec. 2.** Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

**Sec. 3.** ~~H-1~~ *The Office of Workforce Innovation is hereby created in the Department.*

~~*2. The Office of Workforce Innovation has responsibility and accountability for apprenticeship within this State.*~~

**Sec. 4.** *1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.*

*2. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

**Sec. 5.** *The Executive Director of the Office of Workforce Innovation shall:*

*1. Provide support to the Department, the Governor’s Workforce Investment Board created by NRS 232.935 and the industry sector councils established by the Governor’s Workforce Investment Board on matters relating to workforce development.*

*2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.*

*3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.*

*4. At the direction of the Director:*

*(a) Identify, recommend and implement policies related to workforce development.*

*(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.*

*(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.*



(d) *In consultation with the Governor’s Workforce Investment Board, identify industry-recognized credentials, workforce development programs and education.*

(e) *Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.*

(f) *Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.*

(g) *Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.*

(h) *Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor’s Workforce Investment Board.*

(i) *Report periodically to the Governor’s Workforce Investment Board concerning the administration of the policies and programs of the Office of Workforce Innovation.*

(j) *On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.*

~~(k) *Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.*~~

~~(l) *Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, without limitation, career and technical education.*~~

~~(m) *(1) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:*~~

~~(1) *Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;*~~

~~(2) *The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and*~~

~~(3) *Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession*~~

*that is regulated by a regulatory body that adversely affect public health or safety.*

↪ *As used in this paragraph, “regulatory body” has the meaning ascribed to it in NRS 622.060.*

~~###~~ *(m) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.*

*Sec. 6. The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of section 5 of this act:*

- 1. The Department of Employment, Training and Rehabilitation.*
- 2. The Department of Education.*
- 3. The Nevada System of Higher Education.*
- 4. The Department of Motor Vehicles.*
- 5. Any other public agency which is directed by the Governor to submit such data.*

*Sec. 7. NRS 232.900 is hereby amended to read as follows:*

*232.900 As used in NRS 232.900 to 232.960, inclusive, and sections 3 to 6, inclusive, of this act unless the context otherwise requires:*

- 1. “Department” means the Department of Employment, Training and Rehabilitation.*
- 2. “Director” means the Director of the Department.*

*Sec. 8. NRS 232.910 is hereby amended to read as follows:*

*232.910 1. The Department of Employment, Training and Rehabilitation is hereby created. The purpose of the Department is to plan, coordinate and carry out various services and activities designed to achieve and support employment and economic independence for residents of this State who are disadvantaged, displaced or disabled.*

*2. The Department consists of a Director and the following divisions:*

- (a) Employment Security Division;*
- (b) Rehabilitation Division; and*
- (c) Such other divisions as the Director may establish.*

*3. The **Office of Workforce Innovation**, Nevada Equal Rights Commission and the Board for the Education and Counseling of Displaced Homemakers are within the Department.*

*Sec. 9. NRS 400.027 is hereby amended to read as follows:*

*400.027 1. The P-20W Research Data System Advisory Committee is hereby created to assist in the coordination and management of the statewide longitudinal data system administered by the Office of Workforce Innovation pursuant to ~~NRS 223.820~~ **section 5 of this act**. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation or their designees serve as ex officio members of the Committee.*

2. The Committee may, by a vote of the majority of the Committee, nominate additional members for consideration by the Governor to be appointed to the Committee. The Governor may appoint a nominee to the Committee if the Governor determines that the addition of the nominee to the Committee is necessary or desirable.

3. Each appointed member of the Committee serves a term of 3 years and may be reappointed.

4. The Governor shall call the first meeting of the Committee. At its first meeting and annually thereafter, the members of the Committee shall elect a Chair and a Vice Chair from among the members of the Committee.

5. The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair.

6. The Office of Workforce Innovation shall provide any administrative support necessary for the Committee to carry out its duties.

**Sec. 10.** NRS 400.037 is hereby amended to read as follows:

400.037 1. The Committee shall:

(a) Support and advise the Executive Director of the Office of Workforce Innovation regarding the maintenance and oversight of the statewide longitudinal data system;

(b) Develop a plan for collaborative research using data from the statewide longitudinal data system; and

(c) Advise and assist the System, the Department of Education, the Office of Workforce Innovation and the Department of Employment, Training and Rehabilitation in:

(1) Applying for and obtaining grants of money for the operation of the statewide longitudinal data system or to carry out the work of the Committee;

(2) Budgeting for the operation of the statewide longitudinal data system or to carry out the work of the Committee;

(3) Proposing legislation relating to the statewide longitudinal data system or to carry out the work of the Committee; and

(4) Matters relating to any contract for any services necessary for the operation or utilization of the statewide longitudinal data system or to carry out the work of the Committee.

2. As used in this section, “statewide longitudinal data system” means the system administered by the Office of Workforce Innovation pursuant to ~~NRS 223.820~~ **section 5 of this act.**

**Sec. 10.5. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. The Office of the Labor Commissioner shall act as the State Apprenticeship Agency as defined in 29 C.F.R. § 29.2 and has responsibility and accountability for apprenticeship in this State.**

**2. The Labor Commissioner shall oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be deemed necessary to carry out the intent and purposes of chapter 610 of NRS.**

**Sec. 11.** NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. “Agreement” means a written and signed agreement of indenture as an apprentice.

2. “Apprentice” means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. “Council” means the State Apprenticeship Council created by NRS 610.030.

4. “Disability” means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

5. ~~“Executive Director” means the Executive Director of the Office of Workforce Innovation.~~

~~6.~~ “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

~~7. “Office of Workforce Innovation” means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800. section 3 of this act~~

~~8.~~ 6. “Program” means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~9.~~ 7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~10.~~ 8. “State Apprenticeship Director” means the person appointed pursuant to NRS 610.110.

**Sec. 11.3. NRS 610.030 is hereby amended to read as follows:**

610.030 There is hereby created the State Apprenticeship Council composed of:

1. The following voting members, appointed by the Governor upon recommendation of the ~~Executive Director of the Office of Workforce Innovation.~~ **Labor Commissioner:**

(a) Two members who represent management and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(b) Two members who represent labor and have, or have had, a defined role in a jointly administered apprenticeship program, one of whom must be from northern Nevada and one of whom must be from southern Nevada.

(c) Two members, one who represents management and one who represents labor, who have, or have had, a defined role or job in a statewide, jointly administered apprenticeship program.

(d) One member who is a representative of the general public.

2. The following nonvoting members:

(a) The Executive Director of the Office of Economic Development or his or her designee.

(b) The Superintendent of Public Instruction or his or her designee.

(c) One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.

(d) One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.

**Sec. 11.7. NRS 610.070 is hereby amended to read as follows:**

610.070 1. The ~~{Executive Director of the Office of Workforce Innovation}~~ **Labor Commissioner** shall select from the membership of the Council a Chair and Vice Chair, who shall hold office for 2 years. Notwithstanding the provisions of NRS 610.030, the Chair, or the Vice Chair in the absence of the Chair, is not entitled to a vote except to break a tie.

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The Council shall meet at least once in each calendar quarter at a time and place specified by the call of the Chair, the State Apprenticeship Director, the ~~{Executive Director}~~ **Labor Commissioner** or a majority of the members of the Council. Special meetings of the Council may be held at the call of the Chair, the State Apprenticeship Director, the ~~{Executive Director}~~ **Labor Commissioner** or a majority of the members of the Council at such additional times as they deem necessary.

5. The Chair, or the Vice Chair in the absence of the Chair, and four voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

**Sec. 12. NRS 610.110 is hereby amended to read as follows:**

610.110 1. The ~~{Governor}~~ **Labor Commissioner** shall appoint a State Apprenticeship Director.

2. The State Apprenticeship Director:

(a) Shall report to the ~~{Executive Director}~~ **Labor Commissioner**.

(b) Is ~~{not}~~ in the ~~{classified or}~~ unclassified service of the State and serves at the pleasure of the ~~{Governor}~~ **Labor Commissioner**.

(c) Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.

(d) Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:

(1) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.

(2) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.

(3) An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.

(4) A background which demonstrates that he or she can impartially serve the interests of both employees and employers.

(e) Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.

**Sec. 12.3. NRS 610.120 is hereby amended to read as follows:**

610.120 1. ~~The~~ **Under the direction of the Labor Commissioner, the State Apprenticeship Director shall:**

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) Keep a record of agreements and their dispositions.

(c) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

(d) Promote apprenticeship programs through public engagement activities and other initiatives.

(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.

(f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.

(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.

(h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.

(i) Prepare budgets and compile annual reports to the Legislature, ~~the Executive Director,~~ and **the** Governor.

(j) Perform other administrative duties on behalf of the Council.

(k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the local joint apprenticeship committees.

3. As used in this section, “technical assistance” means guidance provided by the ~~Office of Workforce Innovation~~ **State Apprenticeship Director** to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

**Sec. 12.7. NRS 610.144 is hereby amended to read as follows:**

610.144 To be eligible for registration and approval by the Council, a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an occupation in which a person may be apprenticed and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(c) and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § 30.10;

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade;

(b) A term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the trade with a minimum of 144 hours for each year of apprenticeship, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the Council;

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement;

(f) Provisions for a periodic review and evaluation of the apprentice’s progress in performance on the job and related instruction and the maintenance of appropriate records of such progress;

(g) A numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, continuity of employment and applicable

provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants;

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship;

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction;

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years;

(k) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program;

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted;

(m) Provisions for the transfer of the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of the apprentice and the local joint apprenticeship committee or sponsor of the program;

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job;

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;

(p) An identification of the Office of ~~Workforce Innovation~~ **the Labor Commissioner** as the agency for registration of the program;

(q) Provisions for the registration of agreements and of modifications and amendments thereto;

(r) Provisions for notice to the State Apprenticeship Director of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

(s) Provisions for the termination of an agreement during the probationary period by either party without cause;

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor;

(u) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the Council and applicable laws.



**Sec. 13.** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.037 and administered pursuant to ~~NRS 223.820,~~ **section 5 of this act**, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➔ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the

Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

12. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

13. The Administrator, any employee or other person acting on behalf of the Administrator, or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

- (a) Uses or permits the use of the list for any political purpose;
- (b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or

(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

**Sec. 14.** 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. 15.** NRS 223.800, 223.810, 223.820 and 223.830 are hereby repealed.

**Sec. 16.** This act becomes effective on July 1, 2021.

#### TEXT OF REPEALED SECTIONS

**223.800 Creation; responsibility and accountability for apprenticeship.**

1. The Office of Workforce Innovation is hereby created in the Office of the Governor.

2. The Office of Workforce Innovation has responsibility and accountability for apprenticeship within this State.

**223.810 Executive Director: Appointment; classification.**

1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.

2. The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

**223.820 Executive Director: Duties.** The Executive Director of the Office of Workforce Innovation shall:

1. Provide support to the Office of the Governor, the Governor's Workforce Investment Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Investment Board on matters relating to workforce development.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.

3. Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.

4. At the direction of the Governor:

(a) Identify, recommend and implement policies related to workforce development.

(b) Define career pathways and identify priority career pathways for secondary and postsecondary education.

(c) Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.

(d) In consultation with the Governor's Workforce Investment Board, identify industry-recognized credentials, workforce development programs and education.

(e) Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.

(f) Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.

(g) Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.

(h) Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Investment Board.

(i) Report periodically to the Governor's Workforce Investment Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit such a report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:

(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

↪ As used in this paragraph, “regulatory body” has the meaning ascribed to it in NRS 622.060.

(n) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.

**223.830 Agencies required to submit educational and workforce data for inclusion in statewide longitudinal data system maintained by Office.**

The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of NRS 223.820:

1. The Department of Employment, Training and Rehabilitation.
2. The Department of Education.
3. The Nevada System of Higher Education.
4. The Department of Motor Vehicles.
5. Any other public agency which is directed by the Governor to submit such data.

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. 463.

Bill read second time.

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

Amendment No. 523.

SUMMARY — ~~Makes~~ **Provides for the reversion of certain money and makes** a supplemental appropriation to the State Department of Conservation and Natural Resources for an unanticipated shortfall in the Forest Fire Suppression budget account. (BDR S-1058)

AN ACT **relating to state financial administration; providing for the reversion of certain money;** making a supplemental appropriation to the State Department of Conservation and Natural Resources for an unanticipated shortfall in the Forest Fire Suppression budget account; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**During the 2019 Legislative Session, an appropriation of \$5,000,000 was made from the State General Fund to the Interim Finance Committee for allocation to the State Department of Conservation and Natural Resources to provide matching money for wildfire prevention, restoration and long-term planning. (Chapter 455, Statutes of Nevada 2019, at page**

**2791) Section 1 of this bill provides for the reversion of any money remaining from that appropriation to the State General Fund by September 19, 2025.**

**Section 2 of this bill makes a supplemental appropriation from the State General Fund to the State Department of Conservation and Natural Resources for an unanticipated shortfall in the Forest Fire Suppression budget account.**

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

**Section 1. Section 2.3 of chapter 455, Statutes of Nevada 2019, at page 2791, is hereby amended to read as follows:**

Sec. 2.3. **1.** There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the State Department of Conservation and Natural Resources the sum of \$5,000,000 for wildfire prevention, restoration and long-term planning. The Interim Finance Committee shall allocate money to the Department pursuant to section 2.7 of this act.

**2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.**

~~Section 1.~~ **Sec. 2.** There is hereby appropriated from the State General Fund to the State Department of Conservation and Natural Resources the sum of ~~(\$2,962,213)~~ **\$2,359,168** for an unanticipated shortfall in the Forest Fire Suppression budget account relating to directly incurred or projected costs for forest fire suppression. This appropriation is supplemental to that made by section 23 of chapter 544, Statutes of Nevada 2019, as amended by section 37 of chapter 5, Statutes of Nevada 2020, 31st Special Session, at page 53.

~~Sec. 2.~~ **Sec. 3.** 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.

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 14.

Bill read second time and ordered to third reading.

Senate Bill No. 15.

Bill read second time and ordered to third reading.

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 28.

Bill read second time and ordered to third reading.

Senate Bill No. 37.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Senate Bill No. 47.

Bill read second time and ordered to third reading.

Senate Bill No. 61.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Senate Bill No. 127.

Bill read second time and ordered to third reading.

Senate Bill No. 138.

Bill read second time and ordered to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

Senate Bill No. 253.

Bill read second time and ordered to third reading.

Senate Bill No. 305.

Bill read second time and ordered to third reading.

Senate Bill No. 311.

Bill read second time and ordered to third reading.

Senate Bill No. 372.

Bill read second time and ordered to third reading.

Senate Bill No. 379.

Bill read second time and ordered to third reading.



Senate Bill No. 391.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 349 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 37.

Bill read third time.

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

Amendment No. 506.

AN ACT relating to the support of children; defining certain terms and revising certain definitions relating to the support of children; requiring the reporting and withholding of lump sum payments by income payers under certain circumstances; revising provisions relating to the amount of income that may be withheld from an obligor; making various changes relating to the withholding of income by income payers; authorizing the imposition of certain penalties on income payers who commit certain improper acts relating to lump sum payments; expressly authorizing the assignment of money from certain lump sum payments; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) requires an employer, person or other entity to withhold and deliver income of an obligor to an enforcing authority for the support of a child under certain circumstances; and (2) sets forth certain procedures for the enforcement of such withholdings and deliveries. (Chapter 31A of NRS) **Section 4** of this bill defines the term "income payer" to mean any employer, person or other entity required to withhold and deliver the income of an obligor to an enforcing authority. **Section 3** of this bill defines the term "employer" to mean a person or entity that employs an obligor as an employee or independent contractor. **Sections 11-19, 21, 22 and 24-27** of this bill make various changes based on those definitions.

Existing law defines "income" to include: (1) wages, salaries, bonuses and commissions; (2) any money from certain other persons or entities from which support may be withheld; (3) any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; and (4) any compensation of an independent contractor. (NRS 31A.016) **Section 9** of this bill revises the definition of "income" to expressly include a lump sum payment. **Section 5** of this bill defines the term "lump sum payment."

**Section 7** of this bill requires certain income payers who are subject to a notice to withhold income of an obligor to inform the enforcing authority before making a lump sum payment of \$150 or more to an obligor. **Section 7** requires the income payer to inform the enforcing authority at least 10 days before the income payer intends to release the lump sum payment to the obligor. **Section 7** additionally requires the enforcing authority, within 10 days after receiving such information, to provide the income payer with a written notice from the Division of Welfare and Supportive Services of the Department of Health and Human Services specifying the amount of the lump sum payment that the income payer must withhold and deliver to the enforcing authority, if any. **Section 7** also provides the manner in which the written notice must be sent to the income payer and obligor and authorizes the obligor to contest the written notice. Finally, **section 7** prohibits the income payer from releasing the lump sum payment to the obligor before: (1) the date that the income payer intends to release the lump sum payment; or (2) the 11th day after providing the information regarding the lump sum payment or the date that the income payer receives the written notice, whichever is earlier. **Section 6** of this bill defines the term “written notice.”

Existing law sets forth certain penalties that may be imposed on an employer who wrongfully refuses to withhold income, refuses or intentionally fails to deliver money to the enforcing authority or knowingly misrepresents the income of an employee. (NRS 31A.095, 31A.120) **Sections 16 and 18** of this bill authorize a court to impose such penalties on an income payer who refuses to withhold money from a lump sum payment or refuses or intentionally fails to deliver money from a lump sum payment to an enforcing authority.

Existing law: (1) provides immunity from civil liability to an employer who complies with a notice to withhold income; (2) discharges the liability of an employer to an obligor for the portion of the income affected by compliance with a notice to withhold income; and (3) provides immunity from civil liability to an enforcing authority for any money withheld before the implementation of a stay on an order to withhold income. (NRS 31A.100) **Section 17** of this bill extends such immunity to and discharges the liability of an income payer who complies with a written notice concerning a lump sum payment.

Existing law prescribes the amount of income that may be withheld from an obligor and places certain restrictions on the total amount that may be withheld. (NRS 31A.030) Existing law provides that: (1) not more than 50 percent of the disposable earnings of an employee may be withheld if the employee is supporting another spouse or child; or (2) not more than 60 percent of the disposable earnings of the employee may be withheld if the employee is not supporting another spouse or child. Existing law further provides that an additional 5 percent of the disposable earnings of the employee may be withheld if payments for support are more than 12 weeks in arrears. (15 U.S.C. § 1673; NRS 31.295) **Section 10** of this bill applies such restrictions on the total amount of income that may be withheld to all obligors, regardless of

whether the obligor is employed as an employee or is an independent contractor and regardless of whether the income qualifies as disposable earnings of the obligor. Thus, **section 10** provides that the amount of income withheld from any obligor must not exceed: (1) 50 percent, if the obligor is supporting another child or spouse, or 60 percent, if the obligor is not supporting another child or spouse; or (2) 55 percent or 65 percent, respectively, if the obligor has been in arrears for more than 12 weeks. **Section 2** of this bill defines the term “disposable earnings.” **Sections 12 and 23** of this bill make conforming changes to reflect the calculation of income that may be withheld.

Existing law requires: (1) the State Treasurer to collect a fee of \$2 for each withholding of income made by an employer; and (2) an employer to deduct such a fee from the income of the obligor. (NRS 31A.075, 31A.080) **Sections 13 and 14** of this bill make various changes related to the deduction of the fee by an income payer.

Existing law requires: (1) person or entity for whom support is being collected to notify the enforcing authority by certified mail, return receipt requested, of a change of address; and (2) an order for an assignment to be served on an employer by certified mail, return receipt requested. (NRS 31A.140, 31A.280) **Sections 19 and 24** of this bill require the documents to be sent by first-class mail or electronically.

Existing law authorizes the withholding and assignment of certain money due to an obligor that is paid periodically or in lump sums. (NRS 31A.150, 31A.330) **Sections 20 and 27** of this bill expressly authorize the withholding and assignment of money from certain lump sum payments.

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

**Section 1.** Chapter 31A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *“Disposable earnings” has the meaning ascribed to it in NRS 31.295.*

**Sec. 3.** *“Employer” means a person or entity that employs an obligor as an employee or independent contractor.*

**Sec. 4.** *“Income payer” means any employer, person or other entity required to withhold and deliver income pursuant to NRS 31A.025 to 31A.190, inclusive, and section 7 of this act.*

**Sec. 5.** *“Lump sum payment” means:*

1. *A commission;*
2. *A discretionary or nondiscretionary bonus;*
3. *A productivity or performance bonus;*
4. *Profit sharing;*
5. *A referral or sign-on bonus;*
6. *An incentive payment for moving or relocation;*
7. *An attendance award;*

8. *A safety award;*

9. *A cash payment award;*

10. ~~*A retroactive merit increase;*~~

~~11. *A payment for working during a holiday;*~~

~~12. *Termination pay; and*~~

~~13.~~ 11. *Severance pay.*

Sec. 6. *“Written notice” means the notice issued pursuant to subsection 3 of section 7 of this act.*

Sec. 7. 1. *An income payer who has received a notice to withhold income which includes a provision for the payment of arrears shall inform the enforcing authority before making a lump sum payment to the obligor that is \$150 or more.*

2. *The information provided by the income payer pursuant to subsection 1 must be:*

(a) *On a form prescribed by the Division of Welfare and Supportive Services; and*

(b) *Submitted to the enforcing authority at least 10 days before the date that the income payer intends to release the lump sum payment to the obligor.*

3. *Within 10 days after receiving the form described in subsection 2, the enforcing authority shall provide the income payer with a written notice from the Division of Welfare and Supportive Services specifying the amount of the lump sum payment to be withheld and delivered to the enforcing authority.*

4. *The income payer shall not release the lump sum payment before:*

(a) *The date that the income payer intends to release the lump sum payment; or*

(b) *The 11th day after submitting the form described in subsection 2 or the date that the written notice is received by the income payer, whichever is earlier.*

5. *The written notice is binding on the income payer and must be sent by the enforcing authority to:*

(a) *The last known address of the obligor by first-class mail; and*

(b) *The income payer by first-class mail or electronically.*

6. *An obligor may contest a written notice in the same manner as described in NRS 31A.050.*

Sec. 8. NRS 31A.010 is hereby amended to read as follows:

31A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 31A.012 to 31A.021, inclusive, **and sections 2 to 6, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 31A.016 is hereby amended to read as follows:

31A.016 “Income” includes, but is not limited to:

1. Wages ~~and~~ **and** salaries ; ~~bonuses and commissions;~~

2. Any money from which support may be withheld pursuant to NRS 31A.150 or 31A.330;

3. Any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; ~~and~~

4. *Any lump sum payments; and*

5. Any compensation of an independent contractor ~~+~~, ***including, without limitation, any compensation described in subsections 1 to 4, inclusive, as applicable.***

**Sec. 10.** NRS 31A.030 is hereby amended to read as follows:

31A.030 Except as otherwise provided in NRS 31A.024:

1. ~~The~~ ***Except as otherwise provided in subsection 2, the*** amount of income to be withheld pursuant to NRS 31A.025 to 31A.190, inclusive, ~~must be calculated in accordance with NRS 31.295~~ and ***section 7 of this act*** must include:

(a) The amount of the current support due plus:

(1) An amount equal to 10 percent of the amount of the current periodic or other payment ordered for support, to be applied to satisfy arrearages, if any; or

(2) If the court has previously ordered the payment of arrearages in a specified manner, the amount so ordered;

(b) If the obligor is subject to a court order for the payment of current support which is not being collected pursuant to this chapter and the enforcing authority is entitled to collect any arrearages, an amount equal to 25 percent of the amount of the payment ordered for current support, to be applied to satisfy the arrearages; or

(c) If the child is emancipated, arrearages as provided in NRS 125B.100, until the arrearages are paid in full.

2. ***The amount of income withheld must be calculated in accordance with the percentages set forth in NRS 31.295, regardless of whether the income qualifies as disposable earnings.***

3. If two or more court orders for the withholding of income are being enforced against the same obligor, the amount available from withholding must be allocated among those persons entitled to it pursuant to those orders:

(a) Giving priority to an obligation for current support; and

(b) Except as otherwise provided in paragraph (a), in the proportion that the amount owed any one person bears to the total amount owed to all persons entitled to withholding pursuant to those orders.

**Sec. 11.** NRS 31A.040 is hereby amended to read as follows:

31A.040 1. The enforcing authority shall notify an obligor who is subject to the withholding of income by first-class mail to the obligor's last known address:

(a) That the obligor's income is being withheld;

(b) Of the amount of any arrearages;

(c) Of the amount being withheld from the obligor's income to pay current support and the amount being withheld to pay any arrearages;

(d) That a notice to withhold income applies to any current or subsequent ~~employer;~~ **income payer;**

(e) That a notice to withhold income of the obligor has been mailed to the ~~obligor's employer;~~ **income payer of the obligor;**

(f) Of the information provided to the ~~obligor's employer;~~ **income payer of the obligor** pursuant to NRS 31A.070;

(g) That the obligor may contest the withholding; and

(h) Of the grounds and procedures for contesting the withholding.

2. The provisions of this section are applicable only to an obligor against whom there is entered an order of a kind described in subsection 4 of NRS 31A.025.

**Sec. 12.** NRS 31A.070 is hereby amended to read as follows:

31A.070 1. The enforcing authority shall mail, by first-class mail, a notice to withhold income to an ~~obligor's employer;~~ **income payer of an obligor:**

(a) If the provisions of subsection 4 of NRS 31A.025 apply, immediately upon determining that the obligor is delinquent in the payment of support; or

(b) If the provisions of subsection 4 of NRS 31A.025 do not apply, immediately upon the entry of the order of support, unless an exception set forth in paragraph (a) or (b) of subsection 1 of NRS 31A.025 applies.

2. If an ~~employer;~~ **income payer** of an obligor does not begin to withhold income from the obligor after receiving the notice to withhold income that was mailed pursuant to subsection 1, the enforcing authority shall mail, by certified mail, return receipt requested, another notice to withhold income to the ~~employer;~~ **income payer.**

3. A notice to withhold income may be issued electronically and must:

(a) Contain the social security number of the obligor;

(b) Specify the amount to be withheld from the income of the obligor;

(c) Specify the amounts of the fees authorized in NRS 31A.090 and required in NRS 31A.075;

(d) Describe the limitation for withholding income prescribed in ~~NRS 31A.295;~~ **subsection 2 of NRS 31A.030;**

(e) Describe the prohibition against terminating the employment of an obligor because of withholding, **if applicable**, and the penalties for wrongfully refusing to withhold pursuant to the notice to withhold income;

(f) Specify that, pursuant to NRS 31A.160, the withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money; and

(g) Explain the duties of an ~~employer;~~ **income payer** upon the receipt of the notice to withhold income.

**Sec. 13.** NRS 31A.075 is hereby amended to read as follows:

31A.075 1. The State Treasurer shall charge an obligor a fee of \$2 for each withholding of income for the payment of support made by an ~~employer;~~

*income payer* pursuant to this chapter, except that the fee must not be charged to an obligor more than two times during any month.

2. All such fees received by the State Treasurer from ~~{employers}~~ *income payers* pursuant to NRS 31A.080 must be accounted for separately in the State General Fund.

3. The account created pursuant to subsection 2 must be administered by the Administrator of the Division of Welfare and Supportive Services. The money in the account must be distributed among each enforcing authority pursuant to regulations adopted by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.365.

**Sec. 14.** NRS 31A.080 is hereby amended to read as follows:

31A.080 **1.** An ~~{employer}~~ *income payer* who receives a notice to withhold income shall:

~~{1.}~~ **(a)** Withhold the amount stated in the notice from the income due the obligor beginning with the first ~~{pay period}~~ *payment* that occurs within 14 days after the date the notice was ~~{mailed}~~ *sent* to the ~~{employer}~~ *income payer* and continuing until the enforcing authority notifies the ~~{employer}~~ *income payer* to discontinue the withholding; **and**

~~{2.}~~ **(b)** Deliver the money withheld to the enforcing authority within 7 days after the date of ~~{each}~~ *payment*. ~~{of the regularly scheduled payroll of the employer;}~~

~~{3.}~~ **2.** *An income payer who receives a written notice or a notice to withhold income shall:*

**(a)** Deduct from the income due the obligor after the withholding, ~~{pursuant to subsection 1.}~~ the fee set forth in NRS 31A.075;

~~{4.}~~ **(b)** Deliver to the State Treasurer, at least quarterly, all money deducted as fees pursuant to ~~{subsection 3.}~~ *paragraph (a)*; and

~~{5.}~~ *Notify*

**(c)** *If applicable, notify* the enforcing authority and the State Treasurer when the obligor subject to withholding terminates the obligor's employment, and provide the last known address of the obligor and the name of any new employer of the obligor, if known.

**Sec. 15.** NRS 31A.090 is hereby amended to read as follows:

31A.090 **1.** A *written notice or a notice to withhold income* is binding upon any ~~{employer}~~ *income payer* of an obligor. ~~{to whom it is mailed.}~~

**2.** To reimburse the ~~{employer}~~ *income payer* for the ~~{employer's}~~ costs *of the income payer* in making ~~{the}~~ *a* withholding, the ~~{employer}~~ *income payer* may deduct \$3 from the amount paid the obligor each time the ~~{employer}~~ *income payer* makes a withholding.

~~{2.}~~ **3.** Except as otherwise provided in subsection ~~{3.}~~ **4**, if an ~~{employer}~~ *income payer* receives *written notices or* notices to withhold income for more than one ~~{employee}~~ *obligor*, the ~~{employer}~~ *income payer* may consolidate the amounts of money that are payable to:

- (a) The enforcing authority and pay those amounts with one check; and
- (b) The State Treasurer and pay those amounts with one check,

↪ but the ~~employer~~ **income payer** shall attach to each check a statement identifying by name and social security number each obligor for whom payment is made and the amount transmitted for that obligor.

~~3-1~~ **4.** If the provisions of NRS 353.1467 apply, the ~~employer~~ **income payer** shall make payment to the enforcing authority or the State Treasurer, as applicable, by way of any method of electronic transfer of money allowed by the enforcing authority or the State Treasurer. If an ~~employer~~ **income payer** has 50 or more employees, the ~~employer~~ **income payer** shall make payment to the Division of Welfare and Supportive Services by way of any method of electronic transfer of money allowed by the Division. If an ~~employer~~ **income payer** makes payment by way of electronic transfer of money pursuant to this subsection, the ~~employer~~ **income payer** shall transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.

~~4-1~~ **5.** An ~~employer~~ **income payer** shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

~~5-1~~ **6.** As used in this section, “electronic transfer of money” has the meaning ascribed to it in NRS 353.1467.

**Sec. 16.** NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an ~~employer~~ **income payer**:

(a) Wrongfully refuses to withhold income as required pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** after receiving a notice to withhold income that was sent by certified mail pursuant to subsection 2 of NRS 31A.070 ~~or~~ **or a written notice**;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~or~~ **or section 7 of this act**; or

(c) Knowingly misrepresents the income of an ~~employee~~ **obligor**,  
↪ the enforcing authority may apply for and the court may issue an order directing the ~~employer~~ **income payer** to appear and show cause why the ~~employer~~ **income payer** should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause, the court, upon a finding that the ~~employer~~ **income payer** wrongfully refused to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented ~~an employee's~~ **the income** ~~of an obligor~~;

(a) May order the ~~employer~~ **income payer** to comply with the requirements of NRS 31A.025 to 31A.190, inclusive ~~or~~ **and section 7 of this act**;

(b) May order the ~~employer~~ **income payer** to provide accurate information concerning the ~~employee's~~ **income** ~~of the obligor~~;



(c) May fine the ~~employer~~ **income payer** pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the ~~employer~~ **income payer** to pay the amount the ~~employer~~ **income payer** failed or refused to withhold from the obligor's income or refused or intentionally failed to deliver to the enforcing authority.

**Sec. 17.** NRS 31A.100 is hereby amended to read as follows:

31A.100 1. An ~~employer~~ **income payer** who complies with a **written notice or** notice to withhold income that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

2. Compliance by an ~~employer~~ **income payer** with a **written notice or** notice to withhold income is a discharge of the ~~employer's~~ liability **of the income payer** to the obligor as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the enforcing authority may not be held liable in any civil action to the obligor for any money withheld before the stay becomes effective.

**Sec. 18.** NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential ~~employee~~ **obligor**, discharging the ~~employee~~ **obligor** or taking disciplinary action against the ~~employee~~ **obligor**. Any employer who violates this section shall hire or reinstate the ~~employee~~ **obligor** with no loss of pay or benefits, is liable for any payments of support not withheld and shall be fined \$1,000. If an ~~employee~~ **obligor** prevails in an action based on this section, the employer is liable, in an amount not less than \$2,500, for payment of the ~~employee's~~ costs and attorney's fees incurred **by the obligor** in that action.

2. If an ~~employer~~ **income payer**:

(a) Wrongfully refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to 31A.190, inclusive ~~of~~, **and section 7 of this act**;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~of~~ **or section 7 of this act**; or

(c) Knowingly misrepresents the income of the ~~employee~~ **obligor**,  
↪ the ~~employer~~ **income payer** shall pay the amount the ~~employer~~ **income payer** refused to withhold or refused or intentionally failed to deliver to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed \$1,000 for each ~~pay period~~ **payment** the ~~employer~~ **income payer** failed to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented the income of the ~~employee~~ **obligor**.

**Sec. 19.** NRS 31A.140 is hereby amended to read as follows:

31A.140 1. A person or other entity for whom support is being collected pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** shall notify the enforcing authority of a change of address within a reasonable time

after the change. The notice must be ~~in writing and~~ sent by ~~certified mail, return receipt requested,~~ **first-class mail or electronically.**

2. If payments are not deliverable for 3 consecutive months because of the failure of a person or other entity for whom payment of support has been withheld to notify the enforcing authority of a change of address, no further payments may be made and all payments not delivered must be returned to the obligor. The enforcing authority shall notify the ~~employer~~ **income payer** to discontinue withholding.

**Sec. 20.** NRS 31A.150 is hereby amended to read as follows:

31A.150 ~~1.~~ Money may be withheld for the support of a child pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** from any money:

~~(a)~~ 1. Due to:

~~(1)~~ (a) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause or any other benefit;

~~(2)~~ (b) The obligor as a return of contributions and interest; or

~~(3)~~ (c) Some other person because of the death of the obligor,

↳ from the State, a political subdivision of the State or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by any person or a statute of this or any other state, whether the money is payable periodically or in a lump sum ~~or~~

~~(b)~~ **regardless of the frequency of payment;**

2. Due to the obligor as a judgment, a settlement or the prize from any contest or lottery, from any person or other entity, ~~whether the money is payable periodically or in a lump sum.~~

~~2.~~ When a certified copy of a notice to withhold income is delivered by certified mail, return receipt requested, to a person or other entity described in subsection 1, the person or other entity must comply with the request and pay to the enforcing authority the amounts withheld as required in the notice to withhold income. **regardless of the frequency of payment; or**

3. **Due to the obligor as a lump sum payment.**

**Sec. 21.** NRS 31A.180 is hereby amended to read as follows:

31A.180 If an order for support on which a notice to withhold income is based is amended or modified, the enforcing authority shall, upon receipt of a certified copy of the amendment or modification, notify the ~~employer~~ **income payer** of the obligor to modify the amount to be withheld accordingly.

**Sec. 22.** NRS 31A.190 is hereby amended to read as follows:

31A.190 An obligor may voluntarily have the payment for support withheld from the obligor's income by filing a request and a certified copy of the order for support with the enforcing authority. The enforcing authority shall send a notice to withhold income to the ~~obligor's employer,~~ **income payer of the obligor**, and the ~~employer~~ **income payer** shall withhold and pay the amount as required in the notice.

**Sec. 23.** NRS 31A.270 is hereby amended to read as follows:

31A.270 NRS 31A.160 applies to all assignments of income pursuant to NRS 31A.250 to 31A.330, inclusive. The assignment:

1. Must be calculated in accordance with *the percentages set forth in* NRS 31.295 ~~††~~, *regardless of whether the income qualifies as disposable earnings.*

2. May include the amount of the current support due and a payment on the arrearages if previously ordered by a court of competent jurisdiction.

**Sec. 24.** NRS 31A.280 is hereby amended to read as follows:

31A.280 1. An order for an assignment issued pursuant to NRS 31A.250 to 31A.330, inclusive, operates as an assignment and is binding upon any existing or future ~~employer~~ *income payer* of an obligor upon whom a copy of the order is served by ~~certified~~ *first-class* mail ~~†, return receipt requested.†~~ *or electronically.* The order may be modified or revoked at any time by the court.

2. To enforce the obligation for support, the ~~employer~~ *income payer* shall cooperate with and provide relevant information concerning the ~~obligor's employment~~ *obligor* to the person entitled to the support or that person's legal representative. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

3. If the order for support is amended or modified, the person entitled to the payment of support or that person's legal representative shall notify the ~~employer~~ *income payer* of the obligor to modify the amount to be withheld accordingly.

4. To reimburse the ~~employer~~ *income payer* for the ~~employer's~~ costs *incurred by the income payer* in making the payment pursuant to the assignment, the ~~employer~~ *income payer* may deduct \$3 from the amount paid to the obligor each time the ~~employer~~ *income payer* makes a payment.

5. If an ~~employer~~ *income payer* wrongfully refuses to honor an assignment or knowingly misrepresents the income of an ~~employee~~ *obligor*, the court, upon request of the person entitled to the support or that person's legal representative, may enforce the assignment in the manner provided in NRS 31A.095 for the enforcement of the withholding of income.

6. Compliance by an ~~employer~~ *income payer* with an order of assignment operates as a discharge of the ~~employer's~~ liability *of the income payer* to the ~~employee~~ *obligor* as to that portion of the ~~employee's~~ income *of the obligor* affected.

**Sec. 25.** NRS 31A.290 is hereby amended to read as follows:

31A.290 An employer may not use assignments of income for payments to collect an obligation of support as a basis for the discharge of an ~~employee~~ *obligor* or for disciplinary action against the ~~employee~~ *obligor*. An employer who discharges or disciplines an ~~employee~~ *obligor* in violation of this section shall reinstate the ~~employee~~ *obligor* with no loss of pay or benefits, is liable for any payments of support not paid and shall be fined \$1,000. If an ~~employee~~ *obligor* prevails in an action for reinstatement based on this

section, the employer is liable, in an amount of not less than \$2,500, for payment of the ~~employee's~~ costs and attorney's fees incurred *by the obligor* in that action.

**Sec. 26.** NRS 31A.310 is hereby amended to read as follows:

31A.310 1. The person or other entity to whom support is ordered to be paid by assignment of income shall notify the court and the ~~employer~~ *income payer* of the obligor, by any form of mail requiring a return receipt, of any change of address within a reasonable time after that change.

2. If the ~~employer~~ *income payer* or the legal representative of the person entitled to the payment for support is unable to deliver payments as required pursuant to NRS 31A.250 to 31A.330, inclusive, within 3 months because of the failure of the person entitled to the support to notify the ~~employer~~ *income payer* or the person's legal representative of a change of address, the ~~employer~~ *income payer* or legal representative shall not make any further payments pursuant to the assignment and shall return all undeliverable payments to the ~~employee~~ *obligor*.

**Sec. 27.** NRS 31A.330 is hereby amended to read as follows:

31A.330 1. Money may be withheld for the support of a child pursuant to NRS 31A.250 to 31A.330, inclusive, from any ~~money~~ :

(a) *Money* due to:

~~(a)~~ (1) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause;

~~(b)~~ (2) The obligor as a return of contributions and interest; or

~~(c)~~ (3) Some other person because of the death of the obligor,

↳ from the State of Nevada, a political subdivision of the State of Nevada or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by a statute of this state ~~};~~ *or*

(b) *Money due to an obligor as a lump sum payment.*

2. When a ~~certified~~ copy of any order of assignment is served by ~~certified~~ *first-class* mail ~~[-return receipt requested,]~~ *or electronically* on any *person or* entity described in subsection 1, other than the Federal Government, ~~the~~ *the person or entity* must comply with any request for a return of ~~employee contributions~~ *the income* by an ~~employee~~ *obligor* named in the order by paying the ~~contributions~~ *income* to the person entitled to the payment of support or that person's legal representative unless the *person or* entity *described in subsection 1* has received a ~~certified~~ copy of an order terminating the order of assignment. A court may not directly or indirectly condition the issuance, modification or termination of, or condition the terms or conditions of, any order for the support of a child upon the issuance of such a request by an ~~employee~~ *obligor*.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 61, as amended, makes various changes relating to deceptive trade practices, among other things.

Roll call on Assembly Bill No. 61:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 192 requires a physician or other person who attends to a pregnant woman to examine, test, and treat the woman for certain sexually transmitted infections unless the woman opts out for any reason. The bill also expands the requirement to test a pregnant woman for syphilis by requiring certain nonhospital medical facilities, emergency departments, or labor and delivery units in a hospital evaluating or treating a pregnant woman to test her for syphilis under certain circumstances. The bill also replaces the misdemeanor violation for violating syphilis testing requirements with a civil penalty.

Roll call on Assembly Bill No. 192:

YEAS—35.

NAYS—Black, Dickman, Ellison, Krasner, Matthews, McArthur, Wheeler—7.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 404, as amended, establishes provisions relating to the proper venue for filing an application for an order for protection against domestic violence to include the county where the applicant resides, the county where the adverse party resides, a temporary location away from their county to avoid threat of domestic violence, and the county where the act of domestic violence occurred.

Roll call on Assembly Bill No. 404:

YEAS—42.

NAYS—None.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 21 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 461.

Bill read third time.

Roll call on Assembly Bill No. 461:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Roll call on Assembly Bill No. 462:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 8 establishes provisions for the transfer of jurisdiction of a guardianship of a juvenile from another state to Nevada and for the recognition of a guardianship order for a juvenile that was issued in another state. It also authorizes a guardian appointed in this state to petition to transfer the guardianship to another state and sets forth provisions regarding court orders that must be issued in such matters, including when a guardianship in another state is terminated and whether a guardianship needs to be modified to comply with Nevada law.

Roll call on Senate Bill No. 8:

YEAS—42.

NAYS—None.

Senate Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 9 creates a state-level exemption from licensure requirements for investment advisors to specific types of qualifying private funds as defined in federal law. An adviser who

becomes ineligible for the licensing exemption must comply with any applicable laws for licensure within 90 days of ineligibility.

Roll call on Senate Bill No. 9:

YEAS—38.

NAYS—Black, Ellison, Kasama, McArthur—4.

Senate Bill No. 9 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Senate Bill 19 establishes provisions in accordance with federal law that allow certain qualified entities to obtain information on the records of criminal history of employees, volunteers, applicants, and other covered individuals of the entity who have access to children, elderly persons, or disabled persons.

Roll call on Senate Bill No. 19:

YEAS—33.

NAYS—Black, Dickman, Ellison, Kasama, Krasner, Matthews, McArthur, Titus, Wheeler—9.

Senate Bill No. 19 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

Senate Bill 32 updates requirements for the treatment of inmates with substance use disorders so their treatment better conforms with current medical practices.

Roll call on Senate Bill No. 32:

YEAS—42.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 41.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 41 prohibits a person from installing or using a pen register or trap and trace device without first obtaining an order from a district court and provides that a peace officer may apply to a district court for such an order. The bill includes certain federal officers in the definition of "peace officer" when they are acting as members of a task force comprised of federal and state or local enforcement agencies, authorizes a court to accept a facsimile or electronic copy of a signature on an application for such an order, and authorizes the use of secure electronic transmission for the application and issuance of such an order.

Roll call on Senate Bill No. 41:

YEAS—42.

NAYS—None.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 42.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 42 removes the requirement that the rules of the Nevada Supreme Court and district courts be included in the *Nevada Revised Statutes* and requires instead that the Supreme Court print these documents and distribute them in either pamphlet or electronic format according to statutory requirements.

Roll call on Senate Bill No. 42:

YEAS—42.

NAYS—None.

Senate Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Senate Bill 62 expands the types of organizations that must register with the Secretary of State as charitable organizations to include entities that solicit donations but that are not exempt from federal income taxes.

Roll call on Senate Bill No. 62:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O’Neill, Roberts, Titus, Tolles, Wheeler—16.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Senate Bill 122 requires certain employees and supervisory employees at a cannabis establishment to obtain a card stating that he or she has completed an approved general industry safety and health hazard recognition and prevention course and to present the completion card to his or her employer. If an employee or supervisory employee fails to do so, the cannabis establishment must suspend or terminate the employment of the individual. The bill requires the Division of Industrial Relations of the Department of Business and Industry to assess



administrative fines against a cannabis establishment that fails to suspend or terminate an employee as required.

Roll call on Senate Bill No. 122:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

Senate Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Roll call on Senate Bill No. 146:

YEAS—42.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Senate Bill 148 requires state and local law enforcement agencies in Nevada to submit information regarding hate crimes to the Central Repository for Nevada Records of Criminal History monthly. The Central Repository is to ensure the information is provided to the Federal Bureau of Investigation for inclusion in the annual Hate Crime Statistics report.

Any data acquired under the provisions of this bill may be used only for research or statistical purposes and must not contain any of a victim's identifying information. The bill also requires the director of the Department of Public Safety to adopt guidelines regarding the manner in which this data is to be reported to the Central Repository.

Roll call on Senate Bill No. 148:

YEAS—34.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Matthews, McArthur, Titus—8.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 156.

Bill read third time.

Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

Senate Bill 156 expands access to crisis stabilization centers for behavioral health issues, primarily by allowing the centers to be located at any licensed hospital, not just psychiatric hospitals.

Roll call on Senate Bill No. 156:

YEAS—35.

NAYS—Black, Dickman, Ellison, Kasama, Matthews, McArthur, Wheeler—7.

Senate Bill No. 156 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 161 eliminates the Advisory Committee to Study Laws Concerning Sex Offender Registration and transfers its duties to the Advisory Commission on the Administration of Justice. Any funds remaining in the Committee's account are also transferred to the Commission.

Roll call on Senate Bill No. 161:

YEAS—42.

NAYS—None.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 168, 173, 177, 251, 309, 332, 357, 364, 376, 398, and 400 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 17, 23, 52, 53, 65, 342; Senate Joint Resolutions Nos. 10 and 12.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 18, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:12 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*