Senate called to order at 2:23 p.m.
President Marshall presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Louis Locke.
   How precious is Your steadfast love, O God. Your mercies are new every morning. Lord, help
us to love others as You love us. Help us to forgive others as You have forgiven us. We pray for
Your grace in the healing of the many things that divide our Nation in these days. We pray that
Your will be done on earth as it is in heaven. May we walk worthy of all that we have been called
upon to do in serving the people of Nevada. May we do it well, and do it with all of our heart to
bring glory to You. May we be a blessing to those we serve.
   May the words we speak and the thoughts of our hearts be acceptable to You, O God, our Rock
and our Redeemer.
   Through Jesus Christ our Lord,
   AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with,
and the President and Secretary are authorized to make the necessary
corrections and additions.

REPORTS OF COMMITTEE

Madam President:
Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 55, 247,
has had the same under consideration, and begs leave to report the same back with the
recommendation: Amend, and do pass as amended.

DINA NEAL, Vice Chair

Madam President:
Your Committee on Education, to which was referred Senate Bill No. 66, has had the same
under consideration, and begs leave to report the same back with the recommendation: Amend,
and do pass as amended.

MOISES DENIS, Chair
Madam President:
Your Committee on Government Affairs, to which was referred Senate Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Marilyn Dondero Loop, Chair

Madam President:
Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Dallas Harris, Chair

Madam President:
Your Committee on Health and Human Services, to which was referred Assembly Bill No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 5, 69, 156, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Julia Ratti, Chair

Madam President:
Your Committee on Judiciary, to which were referred Senate Bills Nos. 19, 71, 95, 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Melanie Scheible, Chair

Madam President:
Your Committee on Natural Resources, to which was referred Senate Bill No. 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Fabian Donate, Chair

MESSAGES FROM ASSEMBLY
ASSEMBLY CHAMBER, Carson City, April 13, 2021

To the Honorable the Senate:
I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 28, 76, 100, 236, 258, 302, 304, 308, 366, 390, 395, 396, 409, 421.
Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 2, 14, 17, 21, 23, 25, 32, 60, 63, 64, 75, 89, 107, 111, 138, 157, 171, 214; Assembly Joint Resolutions Nos. 1, 7, 10.

Carol Aiello-Sala
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 14, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 24.

Wayne Thorley
Fiscal Analysis Division
MOTIONS, RESOLUTIONS AND NOTICES
Pursuant to Senate Standing Rule No. 134.1(a), Senate Majority Leader Cannizzaro has authorized Senator Spearman to use remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

Assembly Joint Resolution No. 1.
Senator Ratti moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Joint Resolution No. 7.
Senator Ratti moved that the resolution be referred to the Committee on Growth and Infrastructure.
Motion carried.

Assembly Joint Resolution No. 10.
Senator Ratti moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senator Harris has approved the addition of Senator Spearman as a sponsor of Senate Bill No. 236.

Senator Cannizzaro moved that Senate Bill No. 190 be taken from the General File and placed on the Secretary’s desk.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE
By the Committee on Finance:
Senate Bill No. 409—AN ACT relating to state government; requiring the Division of Human Resource Management of the Department of Administration to charge an annual fee to the Executive Department related to collective bargaining for state employees; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

By the Committee on Finance:
Senate Bill No. 410—AN ACT making an appropriation to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for the modernization program for the Nevada Criminal Justice Information System; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.
By the Committee on Finance:
Senate Bill No. 411—AN ACT making appropriations to the Division of Parole and Probation and the Investigation Division of the Department of Public Safety for the replacement of computer hardware and software; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 412—AN ACT making an appropriation to the State Department of Agriculture for new laboratory equipment and maintenance contracts related to veterinary medical services; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 413—AN ACT making an appropriation to the Nevada Gaming Control Board for the continuing costs of replacement of its information system; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 414—AN ACT making an appropriation to the Department of Taxation for the continuing costs of the modernization of the Unified Tax System as part of Project MYNT; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 415—AN ACT making an appropriation to the Department of Taxation for the relocation and consolidation of the two offices in the Las Vegas Valley into one office in southern Nevada; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:
Senate Bill No. 416—AN ACT making appropriations to the Department of Taxation for the replacement of computer hardware and software and printers; and providing other matters properly relating thereto.
Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.
By the Committee on Finance:

Senate Bill No. 417—AN ACT making appropriations to and authorizing expenditures of money by the Nevada Supreme Court for certain statewide technology systems for trial courts; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By the Committee on Finance:

Senate Bill No. 418—AN ACT making an appropriation to the Budget Division of the Office of Finance in the Office of the Governor for the continuation of the Nevada Executive Budget System upgrade project; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 2.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 14.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 17.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 21.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 23.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 25.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 28.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.
Assembly Bill No. 32.
Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Assembly Bill No. 60.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 63.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 64.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 75.
Senator Ratti moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 76.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 89.
Senator Ratti moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 100.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 107.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 111.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.
Assembly Bill No. 138.
Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 157.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 171.
Senator Ratti moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 214.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 236.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 258.
Senator Ratti moved that the bill be referred to the Committee on Education.
Motion carried.

Assembly Bill No. 302.
Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Bill No. 304.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 308.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 366.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.
Assembly Bill No. 390.  
Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.  
Motion carried.

Assembly Bill No. 395.  
Senator Ratti moved that the bill be referred to the Committee on Judiciary.  
Motion carried.

Assembly Bill No. 396.  
Senator Ratti moved that the bill be referred to the Committee on Judiciary.  
Motion carried.

Assembly Bill No. 409.  
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.  
Motion carried.

Assembly Bill No. 421.  
Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.  
Motion carried.

SECOND READING AND AMENDMENT  
Senate Bill No. 24.  
Bill read second time.  
The following amendment was proposed by the Committee on Revenue and Economic Development:  
Amendment No. 110.
SUMMARY—Revises provisions relating to workforce development.  
(BDR 18-289)  
AN ACT relating to workforce development; revising requirements governing the approval of a program of workforce development by the Office of Economic Development; revising provisions governing the distribution and use of money provided by the Office to defray the cost of certain programs of workforce development; revising provisions governing the administration of the Workforce Innovations for a New Nevada Account; and providing other matters properly relating thereto.  
Legislative Counsel’s Digest:  
Existing law requires the Office of Economic Development to develop and implement one or more programs to provide customized workforce development services to persons that create and expand businesses in Nevada and relocate businesses to Nevada. (NRS 231.055)  
Existing law authorizes a person who wishes to provide a program of workforce recruitment, assessment and training to apply to the Office for approval of the program. (NRS 231.1467) Section 1 of this bill revises the information which must be included in an application for approval to provide...
a program of workforce recruitment, assessment and training. Section 1 also:
(1) requires a program of workforce recruitment, assessment and training
approved by the Office to result in certain credentials or an identifiable
occupational skill; (2) requires the Office to ensure that any business for which
the program will be provided meets certain requirements; (3) revises the
criteria which the Office must consider in giving priority to certain approved
providers of programs of workforce recruitment, assessment and training
during the application process for receipt of allocations, grants or loans of
money from the Office to defray the cost of the program; and (4) revises
provisions governing the use of money distributed to defray the cost of a
program of workforce recruitment, assessment and training.

Existing law authorizes a person who operates a business, or who will
operate a business, in this State to apply to the Office for approval of a program
of workforce training. (NRS 231.147) Section 3 of this bill specifies that such
a program must be a program for the training of incumbent employees of the
business that will result in certain credentials or identifiable occupational skills
being obtained by the incumbent employees. Section 3 also revises the
information which must be included in an application for approval of such a
program.

Existing law creates the Workforce Innovations for a New Nevada Account
and provides that any income and interest earned on money in the Account
must be credited to the Account. (NRS 231.151) Section 4 of this bill provides
that any income and interest earned on money in the Account must be credited
to the Account only after deducting any applicable charges.

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

Section 1. NRS 231.1467 is hereby amended to read as follows:
231.1467 1. A person who wishes to provide a program of workforce
recruitment, assessment and training may apply to the Office for approval of the
program. The application must be submitted on a form prescribed by the
Office.
2. Each application must include:
(a) The name, address, electronic mail address and telephone number of the applicant;
(b) The name of each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training;
(c) A statement of the objectives of the proposed program of workforce recruitment, assessment and training;
(d) A description of the primary economic sector to be served by the proposed program of workforce recruitment, assessment and training;
(e) Evidence of workforce shortages within the industry to be served by the proposed program of workforce recruitment, assessment and training;
(f) Evidence that there is an insufficient number of existing programs to develop the workforce needed for the industry to be served by the proposed program of workforce recruitment, assessment and training;

(g) A statement of the number and types of jobs with the business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, that are available or will be available upon completion of the proposed program;

(h) A statement demonstrating the past performance of the applicant in providing programs of workforce development, including, without limitation:

(1) The number and type of credentials and certifications issued by programs of workforce development provided by the applicant; and

(2) The number of businesses successfully served by the programs of workforce development provided by the applicant;

(i) A proposed plan for the provision of the proposed program of workforce recruitment, assessment and training on a statewide basis;

(j) A list of facilities that will be used by the proposed program of workforce recruitment, assessment and training;

(k) A projection of the number of primary jobs that will be served by the proposed program of workforce recruitment, assessment and training and the wages for those jobs;

(l) Evidence satisfactory to the Office that the proposed program of workforce recruitment, assessment and training is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112;

(m) A workforce diversity action plan; and

(n) The estimated cost of the proposed program of workforce recruitment, assessment and training;

(o) A statement by the business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, which commits the business to report to the Office required performance metrics to enable the Office to comply with NRS 231.1513;

(p) A report from each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, which sets forth the basis for any furloughs or layoffs conducted by the business in the 12 months immediately preceding the date of the application for the job categories related to the proposed program of workforce recruitment, assessment and training; and

(q) Any other information requested by the Executive Director.

3. Any program of workforce recruitment, assessment and training approved by the Office pursuant to this section must:

(a) Include a workforce diversity action plan approved by the Office; and

(b) To the extent practicable, be provided on a statewide basis to support the industrial and economic development of all geographic areas of this State; and
(c) Result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard.

4. The Office shall:
   (a) Maintain on the Internet website of the Office a list of the criteria for evaluating applications for approval of a program of workforce recruitment, assessment and training;
   (b) Ensure, through coordination with relevant state agencies and by reviewing any notices required pursuant to the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., and the regulations adopted pursuant thereto, that each business for which an applicant that submitted an application pursuant to this section will provide a program of workforce recruitment, assessment and training:
      (1) Is in compliance with the laws of this State pertaining to the conduct of businesses and employers;
      (2) Is not excluded from receiving contracts from the Federal Government as a result of being debarred; and
      (3) Has included in the report submitted pursuant to paragraph (p) of subsection 2 the basis for each furlough or layoff conducted in the 12 months immediately preceding the date of the application for the job categories related to the proposed program of workforce recruitment, assessment and training;
   (c) Approve or disapprove each application for approval of a program of workforce recruitment, assessment and training within 60 days after receiving a complete application; and
   (d) Provide notice of the approval or disapproval of each application to the applicant within 10 days after approving or disapproving the application.

5. An authorized provider that provides a program of workforce recruitment, assessment and training approved by the Office pursuant to this section or the governing body of a local government within the jurisdiction of which the authorized provider will provide the program may apply to the Office for an allocation, grant or loan of money to defray in whole or in part the cost of the program. The application must be submitted on a form prescribed by the Office.

6. The Office shall approve or deny each application for an allocation, grant or loan of money submitted pursuant to subsection 5 within 45 days after receipt of the application. When considering an application, the Office shall give priority to a program of workforce recruitment, assessment and training that will provide workforce development services to one or more businesses that:
   (a) Provide high-skill and high-wage jobs to residents of this State, as defined by the Board of Economic Development;
   (b) Provide postsecondary or industry-recognized credentials or identifiable skills meeting the applicable industry standard, which are not otherwise offered or not otherwise offered at scale in this State;
(c) Impart a course of study for not more than 12 months that delivers skills that are needed in the workforce;

(d) To the greatest extent practicable, use materials that are produced or bought in this State;

(e) Are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(f) Are consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

7. An authorized provider may use money distributed pursuant to this section:

(a) To provide technical services to a business that participates in the program of workforce recruitment, assessment and training; curriculum development and instructional services;

(b) To pay for equipment or technology necessary to conduct the training;

(c) To pay training fees or tuition for the program of workforce recruitment, assessment and training, which are not otherwise covered by the program budget or other workforce development funding;

(d) To promote the program of workforce recruitment, assessment and training and for job recruiting and assessments conducted through the program;

(e) To provide instructional services;

(f) To provide analysis of on-site training;

(g) To pay any costs relating to the rental of instructional facilities, including, without limitation, utilities and costs relating to the storage and transportation of equipment and supplies;

(h) To pay administrative and personnel costs, except that not more than 10 percent of the money distributed pursuant to this section is used for such purposes; and

(i) To pay any other costs, not including administrative and personnel costs, necessary to effectively carry out the program of workforce recruitment, assessment and training.

8. Equipment purchased with money distributed as a grant pursuant to this section is the property of the Office. At the end of the grant period, the Office may recapture the equipment for redistribution to other programs of workforce recruitment, assessment and training provided by an authorized provider.

9. A person who operates a business or will operate a business in this State may apply to the Office to participate in an approved program of workforce recruitment, assessment and training provided by an authorized provider. The application must be submitted on a form prescribed by the Office and must include, without limitation:

(a) The name, address and telephone number of the business;
(b) Proof satisfactory to the Office that the business is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053;

(c) A description of the number and types of jobs that the business expects will be created as a result of its participation in the program of workforce recruitment, assessment and training and the wages the business expects to pay to persons employed in those jobs;

(d) The types of services which will be provided to the business through the program of workforce recruitment, assessment and training;

(e) A workforce diversity action plan approved by the Office; and

(f) Any other information required by the Office.

Sec. 2. NRS 231.1468 is hereby amended to read as follows:

231.1468 A workforce diversity action plan submitted to the Office for approval pursuant to paragraph (a) of subsection 3 of NRS 231.1467 or paragraph (e) of subsection 9 of NRS 231.1467 must include, without limitation:

1. A statement expressing a commitment to workforce diversity, an explanation of the actions that will be taken and strategies that will be implemented to promote workforce diversity and the goals and performance measures which will be used to measure the success of the plan in achieving those goals; and

2. A statement expressing a commitment to comply with all applicable federal and state laws.

Sec. 3. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this State may apply to the Office for approval of a program of workforce training for incumbent employees that will result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard. The application must be submitted on a form prescribed by the Office.

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) The number and types of jobs for the business that are available or will be available upon completion of the program of workforce training;

(c) A statement of the objectives of the proposed program of workforce training;

(d) An initial plan for wage increases for employees who successfully complete the program of workforce training;

(e) The estimated cost for each person enrolled in the program of workforce training; and

(f) A statement signed by the applicant certifying that, if the program of workforce training set forth in the application is approved and money is granted by the Office to an authorized provider for the program of workforce training, each employee who completes the program of workforce training:
(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This State; or

(II) The county in which the business is located,

as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Upon request, the Office may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the Office shall approve or deny each application within 45 days after receipt of the application. When considering an application, the Office shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this State;

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this State;

(c) Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(d) Is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

5. Before approving an application, the Office shall establish the amount of matching money that the applicant must provide for the program of workforce training. The amount established by the Office for that applicant must not be less than 25 percent of the amount the Office approves for the program of workforce training.

6. If the Office approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the Office denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Sec. 4. NRS 231.151 is hereby amended to read as follows:

231.151 1. The Workforce Innovations for a New Nevada Account is hereby created in the State General Fund. Any money the Office receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive:

(a) Must be deposited in the State General Fund for credit to the Account; and

(b) May only be used to carry out those provisions.

2. Except as otherwise provided in subsection 3, the balance remaining in the Account that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year reverts to the State General Fund.
3. In calculating the uncommitted remaining balance in the Account at the end of an odd-numbered fiscal year, any money in the Account that is attributable to a gift, grant, donation or contribution:
   (a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and
   (b) Must be excluded from the calculation of the uncommitted remaining balance in the Account at the end of each odd-numbered fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.

4. After deducting any applicable charges, any interest or income earned on money in the Account, including, without limitation, unexpended appropriations made to the Account from the State General Fund, must be credited to the Account.

5. The Office shall administer the Account. Any interest or income earned on the money in the Account must be credited to the Account. Any claims against the Account must be paid as other claims against the State are paid.

Sec. 5. This act becomes effective on July 1, 2021.

Remarks by Senator Neal.

Senator Neal moved the adoption of the amendment.

Senate Bill No. 24 revises the eligibility criteria for workforce development programs administered by the Governor's Office of Economic Development (GOED) and changes the administration of the Workforce Innovations for a New Nevada (WINN) Account. The bill requires any program of workforce development that may be approved by GOED to result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard. It requires GOED to coordinate with relevant state agencies and review federal Worker Adjustment and Retraining Notification (WARN) Act notices to ensure that businesses participating in a program of workforce development meet certain criteria. The bill establishes additional criteria for the purposes of providing a priority to certain programs of workforce development and requires the Board of Economic Development to define the construct for the priority given to programs providing high-skill and high-wage jobs. It clarifies the type of expenses that may be incurred by an authorized provider of a workforce development program. Finally, the bill requires any interest or income earned on money in the WINN Account, including, unexpended appropriations made to the Account from the State General Fund, to be credited to the Account.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 24 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 7.
Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 7 provides that the District Court has exclusive jurisdiction over any action relating to the issuance or dissolution of an order for protection against domestic violence, workplace harassment, high-risk behavior, sexual assault or stalking, aggravated stalking or
harassment that is sought against a child who is under 18 years of age. However, the Juvenile Court has exclusive jurisdiction over any action in which it is alleged that a child has committed a delinquent act by violating such an order. The bill provides that the District Court may appoint a master to hear these matters.

Roll call on Senate Bill No. 7:

YEAS—21.
NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 33 make various changes relating to natural resource management. It expands the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing. It expands the identified uses for which the State Forester Firewarden may distribute conservation plant materials on public and private property. Senate Bill No. 33 adds rangelands to the State-owned and privately-owned lands for which the State Forester Firewarden must supervise or coordinate all forestry and watershed work. It requires the State Fire Marshal to cooperate with the State Forester Firewarden concerning certain mitigation activities. The bill repeals the State Forester Firewarden's authority to enforce regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure that is in a fire-hazardous forested area.

Roll call on Senate Bill No. 33:

YEAS—21.
NAYS—None.

Senate Bill No. 33 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 41.

Bill read third time.

Remarks by Senator Hansen.

Senate Bill No. 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. It also authorizes the use of secure electronic transmission for the application and issuance of such an order.

Roll call on Senate Bill No. 41:

YEAS—21.
NAYS—None.

Senate Bill No. 41 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.
Senate Bill No. 54.
Bill read third time.
Remarks by Senators Scheible, Hansen and Goicoechea.

SENATOR SCHEIBLE:
Senate Bill No. 54 revises and expands the membership of the State Board of Agriculture from 11 to 13 members to allow for the cumulative new members to be a member engaged in livestock production or a member who is a licensed veterinarian with experience in a mixed-animal or large-animal practice. It could include a member working in the field of supplemental nutrition distribution or engaged in food manufacturing or animal processing, and two members engaged in growing crops, at least one of which is a specialty crop harvested by mechanical cultivation.
The bill makes conforming changes relating to the number of members that constitute a quorum, continuing membership of certain members, and appointment of other members to staggered terms.

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR GOICOECHEA:
(To be entered at a later date.)

Roll call on Senate Bill No. 54:
Y EAS—12.

Senate Bill No. 54 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 60.
Bill read third time.
Remarks by Senator Hammond.

Senate Bill No. 60 revises the design process and numbering of special license plates by the Department of Motor Vehicles (DMV). The bill also revises the process for an applicant's participation in the design of a special plate, including deadlines for the submittal and revision of a special plate design. Senate Bill No. 60 clarifies that, based on a recommendation from the Commission on Special License Plates, the DMV may take disciplinary action against a charitable organization that has failed to comply with the statutes governing financial administration of special license plates fees.
The measure sets additional limits on the issuance and use of exempt license plates without distinguishing marks used in undercover investigations and protects the disclosure of information related to such vehicles.
Senate Bill No. 60 increases the expiration date of a special permit from 15 to 30 days for the movement of a vehicle to sell out of State, or for the movement outside Nevada of a vehicle purchased by a nonresident. A person who is not a dealer, manufacturer or rebuilder and who purchases an unregistered vehicle or a vehicle from a private seller may move the vehicle without a DMV permit for three days after the date of purchase if the person carries proof of ownership and liability insurance in the vehicle.
The bill revises the formula for distribution of the money in the Pollution Control Account by removing the calculations related to funds collected from the licensure of certain classic vehicles that are exempt from emissions testing.
Roll call on Senate Bill No. 60:
YEAS—21.
NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 72.
Bill read third time.
Remarks by Senator Harris.

Senate Bill No. 72 revises several provisions concerning common-interest communities. The bill provides that a limited-purpose association must comply with requirements of the Uniform Common-Interest Ownership Act pertaining to the establishment and foreclosure of a lien for assessments. It eliminates the requirement that an executive board may only meet in executive session with an attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion are protected by attorney-client privilege. It provides, instead, that the board may meet in executive session with an attorney on matters that are protected by attorney-client privilege.

The bill provides that a person who may be sanctioned for an alleged violation is entitled to receive written notice of the executive board's decision regarding the alleged violation within a reasonable time after the decision is made, and the period to cure a violation before it becomes a continuing violation does not commence until the date on which the notice of the board's decision is provided to the person.

It requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing criteria to be used in determining whether a violation poses an imminent threat to health, safety or welfare, the severity of such a violation, and limitations on the amount of fines an association may impose.

Roll call on Senate Bill No. 72:
YEAS—20.
NAYS—Buck.

Senate Bill No. 72 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 145.
Bill read third time.
Remarks by Senator Spearman.

Senate Bill No. 145 requires a financial institution subject to the federal Community Reinvestment Act of 1977 (CRA) 12 U.S.C §§ 2901 to 2905 to notify the Commissioner of the Division of Financial Institutions of the Department of Business and Industry of their CRA rating as soon as it becomes publicly available. The bill also requires financial institutions to provide training to persons and organizations in the community, including, but not limited to, faith-based and consumer-advocacy organizations, about the obligations imposed on financial institutions by the CRA. Financial institutions must report to the Commissioner the number of training sessions conducted each year. The bill requires the Division to post on its website the current CRA rating for each financial institution and to submit a biennial report to the Legislature containing the names of each financial institution, their most current CRA rating and the number of training sessions conducted.
Roll call on Senate Bill No. 145:
YEAS—15.

Senate Bill No. 145 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 148.
Bill read third time.
Remarks by Senators Harris, Hansen, Cannizzaro and Spearman.

SENATOR HARRIS:
Senate Bill No. 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, Repository, monthly. The Repository is to ensure the information is provided to the Federal Bureau of Investigation for inclusion in the annual Hate Crime Statistics report and that the information is made publicly available.
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 Repository.

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR CANNIZZARO:
(To be entered at a later date.)

SENATOR SPEARMAN:
(To be entered at a later date.)

Roll call on Senate Bill No. 148:
YEAS—18.
NAYS—Hammond, Hansen, Hardy—3.

Senate Bill No. 148 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 173.
Bill read third time.
Remarks by Senators Dondero Loop and Seevers Gansert.

SENATOR DONDERO LOOP:
Senate Bill No. 173 authorizes the board of trustees of each school district and the State Public Charter School Authority to submit a plan to address learning loss caused by the COVID-19 pandemic to the superintendent of public instruction. The plan must include the option for pupils to attend summer school—either in-person or online—and a description of the manner in which schools and school districts, including charter schools, will target pupils most at risk of learning loss. The bill requires a school district or charter school offering summer school to include transportation and meal services. Additionally, Senate Bill No. 173 requires that personnel hired for summer school programs receive supplemental pay equal to their contract rate.
The bill also requires school districts and the State Public Charter School Authority to submit a report regarding certain information relating to the plans to address learning loss to the state

SENATOR SEEVERS GANSERT:
(To be entered at a later date.)

Roll call on Senate Bill No. 173:
YEAS—21.
NAYS—None.

Senate Bill No. 173 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 212.
Bill read third time.
Remarks by Senators Harris, Hansen and Scheible.

SENATOR HARRIS:
Senate Bill No. 212 places restrictions on the use of restraint chairs by peace officers and prohibits a peace officer who is responding to a protest or demonstration from discharging a kinetic energy projectile indiscriminately into a crowd or targeting the head, pelvis or spine or other vital areas of a person. Prior to using a chemical agent, an officer must first declare that the protest or demonstration constitutes an unlawful assembly and then provide orders to disperse, an egress route, and reasonable time for protesters or demonstrators to disperse.
The bill also requires a peace officer to employ de-escalation techniques and other alternatives consistent with his or her training before resorting to higher levels of force to effect an arrest. If an officer uses a higher level of force, the officer is to identify himself or herself as a peace officer, if this can be done safely, and is to use only the objectively reasonable amount of force necessary to safely accomplish a lawful purpose.
Law enforcement agencies are required to adopt written policies on the threat posed by certain persons to peace officers and others and are required to report data on the use of force to the Central Repository for Nevada Records of Criminal History. Law enforcement agencies are required to participate in the National Use-of-Force Data Collection program of the Federal Bureau of Investigation (FBI), but the data collected may not be used against a peace officer during any criminal proceeding.
Provisions relating to participation in the National Use-of-Force Data Collection of the FBI are effective upon passage and approval for the purpose of adopting any policies or procedures and performing any preparatory administrative tasks and on October 1, 2022, for all other purposes. Other provisions of the bill are effective on October 1, 2021.

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR SCHEIBLE:
(To be entered at a later date.)

Roll call on Senate Bill No. 212:
YEAS—12.

Senate Bill No. 212 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.
Senate Bill No. 222.
Bill read third time.
Remarks by Senator Scheible.
Senate Bill No. 222 requires State agencies to collaborate with minority groups on policies, agreements and programs that affect minority groups and ensure that programs and services are accessible and inclusive. The bill also requires State agencies to designate a diversity and inclusion liaison and sets forth certain duties of the liaison. The bill requires the Office of Minority Health and Equity of the Department of Health and Human Services, the Nevada Commission on Minority Affairs of the Department of Business and Industry, and the Office for New Americans in the Office of the Governor to facilitate a meeting between the liaisons and minority groups at least once a year and submit an annual report regarding findings and recommendations to the Governor and the Legislative Commission.

Roll call on Senate Bill No. 222:
YEAS—17.

Senate Bill No. 222 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 245.
Bill read third time.
Remarks by Senator Lange.
Senate Bill No. 245 requires that the Labor Commissioner decline jurisdiction of a claim or complaint concerning the payment of wages, commissions and other benefits if a claimant is covered by a collective bargaining agreement that provides the claimant with exclusive remedy or relief for a violation of its terms until those remedies, reliefs or appeals are exhausted. The Labor Commissioner may, however, assert jurisdiction under certain circumstances.
The bill also clarifies that amounts owed to a discharged employee or an employee who resigns or quits and whose former employer fails to pay the employee by the statutory deadlines are considered wages.

Roll call on Senate Bill No. 245:
YEAS—21.
NAYS—None.

Senate Bill No. 245 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 268.
Bill read third time.
Remarks by Senators Harris and Kieckhefer.

Senator Scheible:
Senate Bill No. 268 requires, to the extent of available resources, the Fiscal Analysis Division of the Legislative Counsel Bureau to perform a budget stress test in each even-numbered year. The stress test must compare the estimated future revenue to, and the estimated future expenditure from, the major funds in the State Treasury under various potential economic conditions. A report regarding the results of the test must be posted on the Legislature's website and submitted to the governor and the Legislature.
SENATOR KIECKHEFER:
(To be entered at a later date.)

Roll call on Senate Bill No. 268:
YEA—21.
NAY—None.

Senate Bill No. 268 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

SENATOR HAMMOND:
(To be entered at a later date.)

Roll call on Senate Bill No. 387:
YEA—21.
NAY—None.

Senate Bill No. 387 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 5.
Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 174.
SUMMARY—Makes changes relating to telehealth. (BDR 40-416)

AN ACT relating to health care; requiring the Department of Health and Human Services to establish an electronic tool to analyze certain data concerning access to telehealth; requiring certain entities to review access to services provided through telehealth and evaluate policies to make such access more equitable; revising provisions governing services provided through telehealth and insurance coverage of such services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) defines the term “telehealth” to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including standard telephone, facsimile or electronic mail; and (2) requires a provider of health care who is located in another state to hold a valid license or certificate in this State before using telehealth to provide certain services to a patient located in this State. (NRS 629.515) Sections 7 and 8 of this bill clarify that telehealth includes both synchronous and asynchronous interactions. Section 8 [of this bill] includes as telehealth the delivery of services from a provider of health care to a patient at a different location through [the use of a standard telephone] an audio-only interaction, which may include the use of a standard telephone. Section 8 expressly authorizes a provider of health care to establish a relationship with a patient through telehealth and authorizes the State Board of Health to adopt regulations governing the establishment of a relationship in that manner. Section 1 of this bill requires the Department of Health and Human Services, to the extent that money is available, to establish a data dashboard that allows for the analysis of data relating to access to telehealth by different groups and populations in this State.

Existing law establishes: (1) the Commission on Behavioral Health, which is comprised of certain providers and consumers of behavioral health services and members of the general public and which establishes policies relating to services for persons with certain behavioral health issues; (2) five regional behavioral health policy boards, each of which is comprised of a Legislator and various persons with knowledge and experience concerning behavioral health in five designated regions of this State and each of which gathers information and provides advice concerning behavioral health needs in the region served by the board; (3) the Patient Protection Commission, which is comprised of stakeholders in the health care industry and which studies issues related to the health care needs of residents of this State; and (4) the Legislative Committee on Health Care, which is comprised of legislators with knowledge of and experience with health care and studies issues related to health care during the interim period between regular legislative sessions. (NRS 232.361, 433.428, 433.429, 433.4295, 439.908, 439.916, 439B.200, 439B.210,
If a data dashboard is established pursuant to section 1, sections 2, 3, 5 and 6 of this bill expand the duties of those bodies to include:

(1) using the data dashboard to review access by different groups and populations in this State to services provided through telehealth; and

(2) evaluating policies to make such access more equitable. Sections 1 and 2 of this bill require the data dashboard, if established, to be accessible through Internet websites maintained by the Department and the Patient Protection Commission, respectively.

Existing law imposes certain requirements concerning coverage of telehealth services by insurers and certain other third-party payers. Those requirements: (1) include a requirement that an insurer or other third-party payer must cover services provided through telehealth to the same extent as if provided in person or by other means, regardless of the site at which the provider or patient is located; and (2) apply to health coverage, including Medicaid and health plans for state and local government employees, and workers’ compensation coverage. (NRS 287.010, 287.04335, 422.2721, 616C.730, 689A.0463, 689B.0369, 689C.195, 695A.265, 695B.1904, 695C.1708, 695D.216, 695G.162) Because section 8 includes services provided through audio-only interaction within the definition of “telehealth” for the purposes of those requirements, section 8 makes those requirements applicable to services provided through audio-only interaction. However, section 7 excludes services provided through audio-only interaction from the definition of “telehealth” for the purposes of industrial insurance, thereby excluding industrial insurance from those requirements governing coverage of services provided through audio-only interaction. Sections 4, 7, and 9-16 additionally prohibit a third-party payer who is not an industrial insurer from: (1) refusing to pay for services provided through telehealth because of the technology used to provide the services; or (2) categorizing a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means. Sections 4, 7, and 9-16 also require a third-party payer who is not an industrial insurer to cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or by other means.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available for this purpose, the Department shall:

(a) Establish a data dashboard that allows for the analysis of data relating to access to telehealth by different groups and populations in this State. The data dashboard must, to the extent authorized by federal law:
(1) Include, without limitation, data concerning health care services, behavioral health services and dental services provided through telehealth; and

(2) Allow for the user to sort data based on the race, ethnicity, ancestry, national origin, color, sex, sexual orientation, gender identity or expression, mental or physical disability, income level or location of residence of the patient, type of telehealth service and any other category determined useful by the Department; and

(b) Make the data dashboard available on an Internet website maintained by the Department.

2. As used in this section:
   (a) “Data dashboard” means a computerized tool that:
      (1) Provides a centralized, interactive means of monitoring, measuring, analyzing and extracting relevant information from different sets of data; and
      (2) Displays information in an interactive, intuitive and visual manner.
   (b) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 2. NRS 439.916 is hereby amended to read as follows:

439.916 1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:
   (a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.
   (b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.
   (c) Examining the cost of health care and the primary factors impacting those costs.
   (d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.
   (e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.
   (f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.
   (g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.
(h) If a data dashboard is established pursuant to section 1 of this act, using the data dashboard to review access by different groups and populations in this State to services provided through telehealth and evaluating policies to make such access more equitable.

(i) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.

(j) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:
   (1) The use of purchasing pools to decrease the cost of health care;
   (2) Increasing transparency concerning the cost or provision of healthcare;
   (3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;
   (4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;
   (5) Resolving problems relating to the billing of patients for medical services;
   (6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and
   (7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.

(k) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.

(l) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.

(m) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.

2. If a data dashboard is established pursuant to section 1 of this act, the Commission shall make available on an Internet website maintained by the Commission a hyperlink to the data dashboard established pursuant to section 1 of this act.

3. As used in this section:
   (a) “Health carrier” has the meaning ascribed to it in NRS 687B.625.
   (b) “Network” has the meaning ascribed to it in NRS 687B.640.
   (c) “Telehealth” has the meaning ascribed to it in NRS 629.515.
Sec. 3. NRS 439B.220 is hereby amended to read as follows:

439B.220 The Committee may:

1. Review and evaluate the quality and effectiveness of programs for the prevention of illness.
2. Review and compare the costs of medical care among communities in Nevada with similar communities in other states.
3. Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.
4. Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.
5. Examine hospitals to:
   (a) Increase cooperation among hospitals;
   (b) Increase the use of regional medical centers; and
   (c) Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.
7. Examine the system of education to coordinate:
   (a) Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and
   (b) The education of those who provide medical care.
8. Review competitive mechanisms to aid in the reduction of the costs of medical care.
9. Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.
10. Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in subsections 1 to 9, inclusive.
11. Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:
   (a) Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or
   (b) A change in the policy of the hospital concerning contracts,
   as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.
12. Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.
13. Review the actions of the Director in administering the provisions of NRS 439B.160 to 439B.500, inclusive, and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to NRS 439B.160 to 439B.500, inclusive.

14. Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:
   (a) An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;
   (b) A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;
   (c) A determination of the personnel required for each method of providing long-term care services in this State; and
   (d) A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.

15. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.

16. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.

17. If a data dashboard is established pursuant to section 1 of this act, use the data dashboard to review access by different groups and populations in this State to services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

18. Conduct investigations and hold hearings in connection with its review and analysis and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

19. Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to NRS 439B.160 to 439B.500, inclusive.

20. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

21. Recommend to the Legislature as a result of its review any appropriate legislation.

Sec. 4. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:
   (a) A requirement that the State, and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for
services provided to a person through telehealth to the same extent and, except for services provided through audio-only interaction, in the same amount as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means, establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a). The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a).

(3) Refusing to pay for services as described in paragraph (a) because of:

I) The distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth;

II) The technology used to provide the services.

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

(5) Categorizing a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) “Distant site” has the meaning ascribed to it in NRS 629.515.

(b) “Originating site” has the meaning ascribed to it in NRS 629.515.

(c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.

(d) “Telehealth” has the meaning ascribed to it in NRS 629.515.
Sec. 5. NRS 433.314 is hereby amended to read as follows:

433.314 1. The Commission shall:

(a) Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

(b) Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

(c) If a data dashboard is established pursuant to section 1 of this act, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;

(d) Review the programs and finances of the Division;

(e) Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:

1) Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and

2) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:

(I) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide;

(II) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and

(III) The health priorities set for each behavioral health region; and

(f) Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties.

Sec. 6. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, Division and Commission regarding:
(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons admitted to mental health facilities and hospitals pursuant to NRS 433A.145 to 433A.197, inclusive, and to mental health facilities and programs of community-based or outpatient services pursuant to NRS 433A.200 to 433A.330, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future admissions.

(g) If a data dashboard is established pursuant to section 1 of this act, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.
Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;
(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;
(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) of subsection 1 and the results of those activities; and
(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 7. NRS 616C.730 is hereby amended to read as follows:

616C.730 1. Every policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must include coverage for services provided to an employee through telehealth to the same extent as though provided in person or by other means.

2. An insurer shall not:
(a) Require an employee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
(b) Require a provider of health care to demonstrate that it is necessary to provide services to an employee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
(c) Refuse to provide the coverage described in subsection 1 because of the distant site from which a provider of health care provides services through telehealth or the originating site at which an employee receives services through telehealth; or
(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.
(c) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

3. A policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must not require an employee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a policy of insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:
   (a) Ensure that covered services are available to an employee through telehealth at a particular originating site;
   (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
   (c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of insurance subject to the provisions of chapters 616A to 617, inclusive, of NRS that is delivered, issued for delivery or renewed on or after July 1, 2015, [October 1, 2021,] has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

6. As used in this section:
   (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
   (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
   (d) “Telehealth” [has the meaning ascribed to it in NRS 629.515] means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including standard telephone, facsimile or electronic mail. The term includes, without limitation, the delivery of services from a provider of health care to a patient at a different location through the use of synchronous interaction or an asynchronous system of storing and forwarding information.

Sec. 8. NRS 629.515 is hereby amended to read as follows:

629.515 1. Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient, the provider must hold a valid license or certificate to practice his or her profession in this State, including, without limitation, a special purpose license issued pursuant to NRS 630.261. The requirements of this subsection do not apply to a provider of health care who is providing services within the scope of his or her employment by or pursuant to a contract entered into with an urban Indian organization, as defined in 25 U.S.C. § 1603.
2. The provisions of this section must not be interpreted or construed to:
   (a) Modify, expand or alter the scope of practice of a provider of health care; or
   (b) Authorize a provider of health care to provide services in a setting that is not authorized by law or in a manner that violates the standard of care required of the provider of health care.

3. A provider of health care who is located at a distant site and uses telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient:
   (a) Is subject to the laws and jurisdiction of the State of Nevada, including, without limitation, any regulations adopted by an occupational licensing board in this State, regardless of the location from which the provider of health care provides services through telehealth.
   (b) Shall comply with all federal and state laws that would apply if the provider were located at a distant site in this State.

4. A provider of health care may establish a relationship with a patient using telehealth when it is clinically appropriate to establish a relationship with a patient in that manner. The State Board of Health may adopt regulations governing the process by which a provider of health care may establish a relationship with a patient using telehealth.

5. As used in this section:
   (a) “Distant site” means the location of the site where a telehealth provider of health care is providing telehealth services to a patient located at an originating site.
   (b) “Originating site” means the location of the site where a patient is receiving telehealth services from a provider of health care located at a distant site.
   (c) “Telehealth” means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including [standard telephone, facsimile or electronic mail. The term includes, without limitation, the delivery of services from a provider of health care to a patient at a different location through the use of

Sec. 9. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent and, except for services provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. An insurer shall not:
(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
(c) Refuse to provide the coverage described in subsection 1 because of:
   (1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or
   (2) The technology used to provide the services;
(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or
(e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.
3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.
4. The provisions of this section do not require an insurer to:
(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.
5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.
6. As used in this section:
(a) “Distant site” has the meaning ascribed to it in NRS 629.515.
(b) “Originating site” has the meaning ascribed to it in NRS 629.515.
(c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
(d) “Telehealth” has the meaning ascribed to it in NRS 629.515.
Sec. 10. NRS 689B.0369 is hereby amended to read as follows:

689B.0369  1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent and, except for services provided using a standard telephone, through audio-only interaction, in the same amount as though provided in person or by other means.

2. An insurer shall not:
   (a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
   (b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
   (c) Refuse to provide the coverage described in subsection 1 because of:
      (1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth;
      (2) The technology used to provide the services;
   (d) Require covered services to be provided through telehealth as a condition to providing coverage for such services;
   (e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:
   (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
   (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care;
   (c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.
6. As used in this section:
   (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
   (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
   (d) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 11. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent and, except for services provided using a standard telephone, through audio-only interaction, in the same amount as though provided in person or by other means.

2. A carrier shall not:
   (a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
   (b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
   (c) Refuse to provide the coverage described in subsection 1 because of:
       (1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or
       (2) The technology used to provide the services;
   (d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or
   (e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a carrier to:
   (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
   (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
   (c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.
5. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:
   (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
   (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
   (d) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 12. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent and, except for services provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A society shall not:
   (a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
   (b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
   (c) Refuse to provide the coverage described in subsection 1 because of:
       (1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or
       (2) The technology used to provide the services;
   (d) Require covered services to be provided through telehealth as a condition to providing coverage for such services;
   (e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

3. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a society to:
(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after [July 1, 2015,] October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:
(a) “Distant site” has the meaning ascribed to it in NRS 629.515.
(b) “Originating site” has the meaning ascribed to it in NRS 629.515.
(c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
(d) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 13.  NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent and, except for services provided [using a standard telephone] through audio-only interaction, in the same amount as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services shall not:
(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
(c) Refuse to provide the coverage described in subsection 1 because of [the]:
   (1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or
   (2) The technology used to provide the services;
(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services [1]; or
(e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.
3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:
   (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
   (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
   (c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

5. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

6. As used in this section:
   (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
   (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
   (d) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 14. NRS 695C.1708 is hereby amended to read as follows:

1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent and, except for services provided through audio-only interaction, in the same amount as though provided in person or by other means.

2. A health maintenance organization shall not:
   (a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
   (b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
   (c) Refuse to provide the coverage described in subsection 1 because of [the].
(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

5. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:

(a) “Distant site” has the meaning ascribed to it in NRS 629.515.

(b) “Originating site” has the meaning ascribed to it in NRS 629.515.

(c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.

(d) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 15. NRS 695D.216 is hereby amended to read as follows:

695D.216 1. A plan for dental care must include coverage for services provided to a member through telehealth to the same extent and, except for services provided [using a standard telephone] through audio-only interaction, in the same amount as though provided in person or by other means.

2. An organization for dental care shall not:

(a) Require a member to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining
services through telehealth as a condition to providing the coverage described in subsection 1;
(b) Require a provider of health care to demonstrate that it is necessary to provide services to a member through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
(c) Refuse to provide the coverage described in subsection 1 because of [the];
(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which a member receives services through telehealth; or
(2) The technology used to provide the services;
(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services [ ]; or
(e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.
3. A plan for dental care must not require a member to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A plan for dental care may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.
4. The provisions of this section do not require an organization for dental care to:
(a) Ensure that covered services are available to a member through telehealth at a particular originating site;
(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
(c) Enter into a contract with any provider of health care or cover any service if the organization for dental care is not otherwise required by law to do so.
5. A plan for dental care subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after [July 1, 2015] October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.
6. As used in this section:
(a) “Distant site” has the meaning ascribed to it in NRS 629.515.
(b) “Originating site” has the meaning ascribed to it in NRS 629.515.
(c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
(d) “Telehealth” has the meaning ascribed to it in NRS 629.515.
Sec. 16. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent and, except for services provided through a standard telephone, through audio-only interaction, in the same amount as though provided in person or by other means.

2. A managed care organization shall not:
   (a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;
   (b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;
   (c) Refuse to provide the coverage described in subsection 1 because of:
       (1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or
       (2) The technology used to provide the services;
   (d) Require covered services to be provided through telehealth as a condition to providing coverage for such services. 
   (e) Categorize a service provided through telehealth differently for purposes relating to coverage or reimbursement than if the service had been provided in person or through other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a managed care organization to:
   (a) Ensure that covered services are available to an insured through telehealth at a particular originating site;
   (b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or
   (c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

5. Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including
the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

6. As used in this section:
   (a) “Distant site” has the meaning ascribed to it in NRS 629.515.
   (b) “Originating site” has the meaning ascribed to it in NRS 629.515.
   (c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.
   (d) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 16.5. 1. Any regulations adopted by a regulatory body that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2021.

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

Sec. 17. This act becomes effective:
1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On October 1, 2021, for all other purposes.

Senator Ratti moved the adoption of the amendment.
Remarks by Senator Ratti.
Amendment No. 174 to Senate Bill No. 5 clarifies that telehealth includes both synchronous and asynchronous interactions. It includes audio-only interaction as telehealth, except as it relates to industrial insurance. The bill expressly authorizes health care providers to establish a relationship with patients through telehealth and authorizes the State Board of Health to adopt regulations governing the establishment of a relationship in this manner. It requires the Department of Health and Human Services to establish a dashboard that allows for the analysis of data related to telehealth access only to the extent money is available for this purpose.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 19.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 26.
SUMMARY—Establishes provisions authorizing certain entities to obtain information relating to the records of criminal history of certain persons responsible for the safety and well-being of children, elderly persons or persons with disabilities. (BDR 14-336)

AN ACT relating to records of criminal history; establishing provisions authorizing certain entities to obtain information relating to the records of criminal history of certain persons responsible for the safety and well-being of children, elderly persons or persons with disabilities; providing a fee; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:
Existing federal law authorizes a state to establish by statute or regulation procedures that require designated qualified entities, which are businesses or
organizations that provide care or care placement services to children, elderly persons or persons with disabilities, to contact an authorized state agency to request a nationwide background check to determine whether certain persons have been convicted of a crime that bears upon the person’s fitness to have responsibility for the safety and well-being of children, elderly persons or persons with disabilities. (34 U.S.C. §§ 40102(a)(1), 40104(9), 40104(10)) Existing federal law also provides that such procedures include certain requirements. (34 U.S.C. § 40102(b)) Accordingly, this bill establishes provisions that authorize a qualified entity to obtain information relating to the records of criminal history of employees, volunteers, persons applying to be an employee or volunteer [independent contractor] and [vendor] covered individuals of the qualified entity who have access to children, elderly persons or persons with disabilities.

This bill requires a qualified entity to: (1) before submitting a request for screening an employee, volunteer, person applying to be an employee or volunteer [independent contractor] or [vendor] covered individual of the qualified entity, establish an account with the Central Repository for Nevada Records of Criminal History, provide certain written notification to the person regarding his or her rights and obtain from the person a signed waiver that allows the release of information relating to the records of criminal history of the person to the qualified entity; and (2) submit any request for screening a person to the Central Repository by submitting the fingerprints of the person to the Central Repository for its criminal history report and for forwarding to the Federal Bureau of Investigation (FBI) for its criminal history report. Such a request must be accompanied by the payment of a fee for information relating to records of criminal history and the amount required by the FBI for its report.

This bill also requires a qualified entity to determine, after receiving information relating to the records of criminal history of a person, whether the person is fit to have responsibility for the safety and well-being of children, elderly persons or persons with disabilities. Additionally, this bill provides that a qualified entity is not liable for damages solely [for failing to obtain] arising out of the accuracy of any information [relating to the] included in or omitted from the records of criminal history of a person and that this State, any political subdivision of this State or any agency, officer or employee thereof is not liable for damages for providing any requested information. Finally, this bill authorizes the Central Repository to audit any qualified entity that submits a request for screening to ensure compliance with all applicable state and federal laws.

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

Section 1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before submitting a request for screening pursuant to subsection 2, a qualified entity must:
(a) Establish an account with the Central Repository and, as part of the establishment of such an account, agree to comply with all applicable state and federal laws by signing an agreement approved by the Central Repository.

(b) Provide written notification to any person being screened regarding the right of the person to obtain a copy of his or her background screening report, including, without limitation, any records of criminal history contained in the report, to appeal the results of the background screening report to challenge the accuracy and completeness of any information contained therein, and to obtain a determination as to the validity of such a challenge before the qualified entity makes a final determination as to the fitness of the person to have responsibility for the safety and well-being of children, elderly persons or persons with disabilities. The notification must also include instructions on how to complete the appeals process.

(c) Obtain a signed waiver from any person being screened, on a form approved by the Division, that allows the release of information relating to the records of criminal history of the person to the qualified entity and contains the information required by 34 U.S.C. § 40102(b)(1).

2. A qualified entity shall submit to the Central Repository any request for screening an employee, volunteer, person applying to be an employee or volunteer [independent contractor] or [vendor] covered individual of the qualified entity who has supervised or unsupervised access to children, elderly persons or persons with disabilities by submitting the fingerprints of the person to the Central Repository for its report on the criminal history of the person and for forwarding to the Federal Bureau of Investigation for its report on the criminal history of the person. Each request must be voluntary and conform to the requirements established in the National Child Protection Act of 1993, Public Law 103-209, as amended by the Volunteers for Children Act, Public Law 105-251, 34 U.S.C. §§ 40101 et seq.

3. A request submitted pursuant to subsection 2 must be accompanied by the payment of a fee to the Central Repository as authorized by NRS 179A.140, plus the amount prescribed by the Federal Bureau of Investigation for its report on the criminal history of the person, in accordance with the provisions of 34 U.S.C. § 40102(e).

4. After a request is submitted pursuant to subsection 2, the Central Repository shall provide directly to the qualified entity, as authorized by the signed waiver obtained by the qualified entity pursuant to subsection 1:

(a) Any records of criminal history of the person being screened that are not [exempt from disclosure under this chapter or otherwise confidential [under] pursuant to statute or law. Such a person may challenge the accuracy of such records of criminal history only as provided in this chapter.

(b) Any records of criminal history of the person being screened that were received from the Federal Bureau of Investigation. Any records of criminal history obtained are available for qualified entities to use only for the purpose of screening employees, volunteers, persons applying to be an employee or
volunteer, independent contractors, or vendors covered individuals of the qualified entity who have supervised or unsupervised access to children, elderly persons or persons with disabilities.

5. The making of a determination as to the fitness of a person to have responsibility for the safety and well-being of children, elderly persons or persons with disabilities is the sole responsibility of the qualified entity that submitted the request for screening. The qualified entity shall make such a determination pursuant to the procedures set forth in the VECHS program based on whether the information relating to the records of criminal history of the person indicates that the person has been convicted of or is subject to pending criminal charges or a pending indictment for any crime that bears upon his or her fitness to have responsibility for the safety and well-being of children, elderly persons or persons with disabilities. The provisions of this section must not be construed to require the Central Repository to make such a determination on behalf of any qualified entity.

6. A qualified entity that is required by law to apply screening criteria, including, without limitation, any right to contest or request an exemption from disqualification, shall apply such screening criteria to any information relating to records of criminal history received from the Central Repository.

7. If a person chooses to appeal the results of a background screening report, the appeals process must meet the requirements established in 34 U.S.C. § 40102(b)(2)(C).

8. A qualified entity is not liable for damages solely arising out of the accuracy of any information included in or omitted from records of criminal history authorized to be obtained pursuant to this section, and the State of Nevada, any political subdivision of the State or any agency, officer or employee thereof is not liable for damages for providing any information relating to records of criminal history requested pursuant to this section.

9. The Central Repository may audit any qualified entity that submits a request for screening pursuant to this section to ensure compliance with all applicable state and federal laws. Each qualified entity shall maintain all signed waivers obtained pursuant to subsection 1 for the purpose of such an audit for one audit cycle as determined by the Department.

10. In addition to complying with the provisions of this section, each qualified entity and the Central Repository shall comply with all applicable provisions of 34 U.S.C. § 40102.

11. As used in this section:
   (a) “Children” has the meaning ascribed to “child” in NRS 432B.040.
   (b) “Covered individual” has the meaning ascribed to it in 34 U.S.C. § 40104(9).
   (c) “Disability” has the meaning ascribed to it in NRS 426.068.
   (d) “Division” means the Records, Communications and Compliance Division of the Department.
“Elderly persons” means any persons who are 60 years of age or older.

“Record of criminal history” has the meaning ascribed to it in NRS 179A.070 and also includes, unless the context otherwise requires, records of criminal history obtained from the Federal Bureau of Investigation.

“Qualified entity” has the meaning ascribed to it in 34 U.S.C. § 40104(10).

“VECHS program” means the Volunteer and Employee Criminal History System program of the Division through which information relating to the records of criminal history of a person may be requested and obtained by a qualified entity.

Sec. 2. NRS 179A.070 is hereby amended to read as follows:

179A.070  1. “Record of criminal history” means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints and other biometric identifiers of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. “Record of criminal history” does not include:
   (a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;
   (b) Information concerning juveniles;
   (c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;
   (d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;
   (e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;
(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers’ or other operators’ licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Except as otherwise provided in section 1 of this act, records which originated in an agency other than an agency of criminal justice in this State.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 26 to Senate Bill No. clarifies that in addition to an employee or volunteer, or a person applying to be an employee or volunteer, the provisions of the bill apply to other “covered individuals” who are affiliated with a qualified entity that is authorized to obtain records of criminal history of persons who will have access to children, the elderly, or disabled persons. Other revisions in the amendment contain technical changes only.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 55.

Bill read second time.

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

Amendment No. 3.

SUMMARY—Revises provisions governing the licensing and regulation of employee leasing companies. (BDR 53-317)

AN ACT relating to employee leasing companies; transferring the duties for the licensing and certain regulation of certain companies which lease employees from the Administrator of the Division of Industrial Relations of the Department of Business and Industry to the Labor Commissioner; authorizing the Labor Commissioner to impose administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law governs the operation of employee leasing companies, companies which, pursuant to an agreement with a client company, place certain employees of the client company on the payroll of the employee leasing company and lease those employees back to the client company for a fee. (NRS 616B.670-616B.697) Section 1.5 of this bill: (1) replaces the defined
term “employee leasing company” with the term “professional employer organization”; and (2) includes within the definitions of “client company” and “professional employer organization” certain labor compliance services which a professional employer organization may provide.

Existing law prohibits a person from operating an employee leasing company in this State without obtaining a certificate of registration issued by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. (NRS 616B.673) Section 2 of this bill: (1) prohibits a person from operating a professional employer organization without a license; and (2) transfers the duty to issue a [certificate of registration] license from the Administrator to the Labor Commissioner. [of Insurance.]

Existing law requires an applicant for the issuance or renewal of a certificate of registration to operate an employee leasing company to submit to the Administrator a written application upon a form provided by the Administrator. (NRS 616B.676) Section 3 of this bill requires an applicant [instead] for a license to operate a professional employer organization to instead submit an application to the Labor Commissioner upon a form provided by the Labor Commissioner.

Existing law: (1) requires each application for a certificate of registration to operate an employee leasing company to include any information the Administrator requires; (2) requires an applicant to submit to the Administrator any change in the required application information; and (3) authorizes the Administrator to revoke the certificate of registration of an employee leasing company that fails to comply with certain requirements in existing law. (NRS 616B.679) Section 4 of this bill: (1) requires each application for a [certificate of registration] license to operate an employee leasing company [c] a professional employer organization to include [any] certain information required by state law and the Labor Commissioner [required] (2) requires an applicant to submit to the Labor Commissioner any change in the required application information; and (3) transfers the authority to refuse to issue or revoke [the certificate of registration of an employee leasing company] a license for a professional employer organization that fails to comply with the requirements in existing law to the Labor Commissioner. Section 4 of this bill also provides a professional employer organization with the right to appeal a decision by the Labor Commissioner to refuse to issue or revoke a license.

Existing law vests in the Administrator the authority to adopt regulations setting forth qualifications for an assurance organization to act on behalf of an employee leasing company in complying with certain requirements in existing law. (NRS 616B.693) Section 5 of this bill [transfers] places the authority to adopt regulations setting forth qualifications for an assurance organization to act on behalf of an employee leasing company [from the Administrator to] with the Labor Commissioner. [(NRS 616B.693)]
Existing law vests the authority to adopt regulations governing employee leasing companies with the Administrator. (NRS 616B.694) Section 6 of this bill transfers the authority to adopt regulations governing employee leasing companies from the Administrator to professional employer organizations with the Labor Commissioner and authorizes the Labor Commissioner to investigate compliance with or enforce applicable law and regulations that govern professional employer organizations.

Existing law authorizes an action for damages for a failure of an employee leasing company to comply with certain provisions of state law. (NRS 616B.697) Section 7 of this bill authorizes: (1) an action for damages for such a failure by a professional employer organization; and (2) the Labor Commissioner to impose an administrative penalty of not more than $5,000 for each such failure.

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to determine whether an employee leasing company is entitled to a certificate of registration. (NRS 616A.465) Section 1 of this bill eliminates that requirement. However, the Division retains its authority in existing law relating to the enforcement of the obligation of employee leasing companies to provide workers’ compensation coverage for the employees they lease. (NRS 616B.692)

Sections 4.2-4.8, 8-15 and 19 of this bill make conforming changes to reflect the changes in terminology from “employee leasing company” to “professional employer organization” and “registration” or “certificate of registration” to “license.” (NRS 363C.210, 616B.685, 616B.688, 616B.691, 616B.692, 616C.010, 616D.120, 689C.015, 689C.065, 689C.066, 689C.111, 689C.425)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. NRS 616A.465 is hereby amended to read as follows:

616A.465 1. Except as otherwise provided in this section, the Division shall:
(a) Regulate insurers pursuant to chapters 616A to 617, inclusive, of NRS;
(b) Investigate insurers regarding compliance with statutes and the Division’s regulations; and
(c) Determine whether an employee leasing company is entitled to a certificate of registration pursuant to NRS 616B.673; and
(d) Regulate employee leasing companies pursuant to the provisions of NRS 616B.670 to 616B.697, inclusive.

2. The Commissioner is responsible for reviewing rates, investigating the solvency of insurers, authorizing private carriers pursuant to chapter 680A of NRS and certifying:
(a) Self-insured employers pursuant to NRS 616B.300 to 616B.330, inclusive, and 616B.336;
(b) Associations of self-insured public or private employers pursuant to NRS 616B.350 to 616B.446, inclusive; and
(c) Third-party administrators pursuant to chapter 683A of NRS.
3. The Department of Administration is responsible for contested claims relating to industrial insurance pursuant to NRS 616C.310 to 616C.385, inclusive. The Administrator is responsible for administrative appeals pursuant to NRS 616B.215.
4. The Nevada Attorney for Injured Workers is responsible for legal representation of claimants pursuant to NRS 616A.435 to 616A.460, inclusive, and 616D.120.
5. The Division is responsible for the investigation of complaints. If a complaint is filed with the Division, the Administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons. If the Administrator determines that a violation may have occurred, the Administrator shall proceed in accordance with the provisions of NRS 616D.120 and 616D.130.
6. As used in this section, “employee leasing company” has the meaning ascribed to it in NRS 616B.670.
Sec. 1.5. NRS 616B.670 is hereby amended to read as follows:
616B.670 As used in NRS 616B.670 to 616B.697, inclusive, unless the context otherwise requires:
1. “Applicant” means a person seeking a [certificate of registration] license pursuant to NRS 616B.670 to 616B.697, inclusive, to operate [an employee leasing company] a professional employer organization.
2. “Client company” means a company which [leases]:
   (a) Utilizes a professional employer organization, for a fee, to provide labor compliance services, including, without limitation, the management of human resources, employee benefits, payroll and workers’ compensation; or
   (b) Leases employees, for a fee, from [an employee leasing company] a professional employer organization pursuant to a written or oral agreement.
3. “Employee leasing company” means a company which, pursuant to a written or oral agreement intended by the parties to create an ongoing relationship, places any of the regular, full-time employees of a client company on its payroll and, for a fee, leases them to the client company.
4. “Ongoing relationship” means a relationship wherein the rights, duties and obligations of an employer which arise out of an employment relationship are allocated between the [employee leasing company] professional employer organization and the client company on an ongoing, long-term basis. The term does not include a temporary or project-specific agreement between [an employee leasing company] a professional employer organization and a client company.
4. “Professional employer organization” means a company which, pursuant to a written or oral agreement intended by the parties to create an ongoing relationship:
   (a) Provides labor compliance services for a fee, including without limitation, the management of human resources, employee benefits, payroll and workers’ compensation; or
   (b) Places any of the regular, full-time employees of a client company on its payroll and, for a fee, leases them to the client company.

Sec. 2. NRS 616B.673 is hereby amended to read as follows:

616B.673 1. A person shall not operate a professional employer organization in this State unless the person has complied with the provisions of NRS 616B.670 to 616B.697, inclusive. The Labor Commissioner shall issue a license to each applicant who complies with the provisions of NRS 616B.670 to 616B.697, inclusive.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. Each license issued by the Labor Commissioner pursuant to NRS 616B.670 to 616B.697, inclusive, expires 1 year after it is issued unless renewed before that date.

Sec. 3. NRS 616B.676 is hereby amended to read as follows:

616B.676 An applicant for the issuance or renewal of a license must submit to the Labor Commissioner a written application upon a form provided by the Labor Commissioner.

Sec. 4. NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:
   (a) The applicant’s name and title of his or her position with the professional employer organization.
   (b) The applicant’s age, place of birth and social security number.
   (c) The applicant’s address.
   (d) The business address of the professional employer organization.
   (e) The business address of the registered agent of the professional employer organization, if the applicant is not the registered agent.
   (f) If the applicant is a:
      (1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.
      (2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.
   (g) Proof of:
      (1) Compliance with the provisions of chapter 76 of NRS.
(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS and compliance with NRS 616B.692.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the professional employer organization to its employees.

(h) A financial statement of the applicant setting forth the financial condition of the professional employer organization. Except as otherwise provided in subsection 5, the financial statement must include, without limitation:

(1) For an application for issuance of a license, the most recent audited financial statement that includes the applicant, which must have been completed not more than 13 months before the date of application; or

(2) For an application for renewal of a license, an audited financial statement that includes the applicant and which must have been completed not more than 180 days after the end of the applicant’s fiscal year.

(i) An issuance or renewal fee of $500.

(j) Any other information the Labor Commissioner requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Labor Commissioner any change in the information required by this section within 30 days after the change occurs. The Labor Commissioner may refuse to issue a license to or revoke the license of a professional employer organization which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive. If the Labor Commissioner refuses to issue or revokes a license pursuant to this subsection, the professional employer organization has the right to appeal the decision of the Labor Commissioner.

4. If an insurer cancels a professional employer organization’s policy, the insurer shall immediately notify the Labor Commissioner in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Labor Commissioner.

5. A financial statement submitted with an application pursuant to this section must be prepared in accordance with generally accepted accounting
principles, must be audited by an independent certified public accountant certified or licensed to practice in the jurisdiction in which the accountant is located and must be without qualification as to the status of the employee leasing company as a going concern. Except as otherwise provided in subsection 6, a professional employer organization that has not had sufficient operating history to have an audited financial statement based upon at least 12 months of operating history must present financial statements reviewed by a certified public accountant covering its entire operating history. The financial statements must be prepared not more than 13 months before the submission of an application and must:

(a) Demonstrate, in the statement, positive working capital, as defined by generally accepted accounting principles, for the period covered by the financial statements; or

(b) Be accompanied by a bond, irrevocable letter of credit or securities with a minimum market value equaling the maximum deficiency in working capital for the period covered by the financial statements plus $100,000. The bond, irrevocable letter of credit or securities must be held by a depository institution designated by the Administrator Labor Commissioner to secure payment by the applicant of all taxes, wages, benefits or other entitlements payable by the applicant.

6. An applicant required to submit a financial statement pursuant to this section may submit a consolidated or combined audited financial statement that includes, but is not exclusive to, the applicant.

Sec. 4.2. NRS 616B.685 is hereby amended to read as follows:

616B.685 If a person operates an employee leasing company or a professional employer organization and a temporary employment service in this State, the person:

1. Shall maintain separate payroll records for the company and the service. The records must be maintained in this State.

2. Shall not maintain a policy of workers’ compensation insurance which covers both employees of the employee leasing company or professional employer organization and employees of the temporary employment service.

Sec. 4.4. NRS 616B.688 is hereby amended to read as follows:

616B.688 The employment relationship with workers provided by an employee leasing company or professional employer organization to a client company must be established by written agreement between the employee leasing company or professional employer organization and the client company. The employee leasing company or professional employer organization shall give written notice of the employment relationship to each leased employee assigned to perform services for the client company.

Sec. 4.6. NRS 616B.691 is hereby amended to read as follows:

616B.691 1. A client company of an employee leasing company or professional employer organization as defined in NRS 616B.670 shall be
deemed to be the employer of the employees it leases for the purposes of chapter 612 of NRS.

2. [An employee leasing company] A professional employer organization shall be deemed to be an employer of its leased employees for the purposes of offering, sponsoring and maintaining any benefit plans. The provisions of this subsection do not affect the employer-employee relationship that exists between a leased employee and a client company.

3. [An employee leasing company] A professional employer organization shall not offer, sponsor or maintain for its leased employees any self-funded insurance program. [An employee leasing company] A professional employer organization shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS or title 57 of NRS.

4. If [an employee leasing company] a professional employer organization fails to:
   (a) Pay any contributions, premiums, forfeits or interest due; or
   (b) Submit any reports or other information required,
   pursuant to this chapter or chapter 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the professional employer organization.

Sec. 4.8. NRS 616B.692 is hereby amended to read as follows:

616B.692 1. [An employee leasing company] A professional employer organization may satisfy its obligation to provide coverage for workers’ compensation for the employees that the professional employer organization leases to each client company by:
   (a) Confirming that the client company has obtained a policy of workers’ compensation insurance directly from an insurer, and maintains that policy, which covers all of the employees of the client company, including, without limitation, the employees leased from the professional employer organization, subject to the same requirements and conditions as if the client company were the sole employer of the leased employees for the purpose of providing coverage for workers’ compensation;
   (b) Confirming that the client company is a member of an association of self-insured employers which is certified by the Commissioner and which has assumed responsibility, and maintains responsibility, for covering all of the employees of the client company, including, without limitation, the employees leased from the professional employer organization, subject to the same requirements and conditions as if the client company were the sole employer of the leased employees for the purpose of providing coverage for workers’ compensation;
   (c) Confirming that the client company is certified by the Commissioner as a self-insured employer which self-insures all of the employees of the client company, including, without limitation, the employees leased from the
[employee leasing company] professional employer organization, subject to
the same requirements and conditions as if the client company were the sole
employer of the leased employees for the purpose of providing coverage for
workers’ compensation;
(d) Obtaining a policy of workers’ compensation insurance directly from an
insurer on a multiple coordinated policy basis, and maintaining that policy,
which covers all of the employees leased to the client company or all of the
employees leased to the client company and other client companies affiliated
with the client company such that:
(1) The policy covers the liability of both the [employee leasing
company] professional employer organization and the client company or
companies for payments required by chapters 616A to 616D, inclusive, or
chapter 617 of NRS;
(2) A separate policy is issued to or on behalf of each client company or
group of affiliated client companies under the multiple coordinated policy; and
(3) The [employee leasing company] professional employer organization
controls payments and communications related to the policy; or
(e) Obtaining a policy of workers’ compensation insurance on a master
policy basis directly from an insurer, and maintaining that policy, which:
(1) Covers some or all of the employees of the [employee leasing
company] professional employer organization who are leased to one or more
client companies; and
(2) May cover all of the employees of the [employee leasing company]
professional employer organization who work directly for the [employee
leasing company] professional employer organization and are not leased to
any client company.
2. With respect to a policy of workers’ compensation insurance described
in paragraph (a) of subsection 1:
(a) The policy may name the [employee leasing company] professional
employer organization as an additional insured; and
(b) If the [employee leasing company] professional employer organization
is licensed as a producer of insurance pursuant to NRS 683A.261 and is
authorized by the insurer, the [employee leasing company] professional
employer organization may negotiate coverage, collect premiums on behalf of
the insurer and otherwise act as an intermediary with respect to the policy.
3. If [an employee leasing company] a professional employer
organization or a client company maintains a policy of workers’ compensation
insurance which provides coverage for leased employees, each insurer insuring
leased employees shall report to the Advisory Organization, as defined in
NRS 686B.1752:
(a) Payroll and claims data for each client company in a manner that
identifies both the client company and the [employee leasing company] professiona
employer organization; and
(b) The status of coverage with respect to each client company in accordance with any applicable requirements regarding proof of coverage.

4. If the services that [an employee leasing company] a professional employer organization offers to a client company do not include obtaining and maintaining a policy of workers’ compensation insurance for the employees which the [employee leasing company] professional employer organization will lease to the client company, the [employee leasing company] professional employer organization shall:

(a) Before entering into an agreement with the client company to provide services as [an employee leasing company] a professional employer organization, provide written notice to the client company that the client company will remain responsible for providing coverage for workers’ compensation for all of the employees of the client company, including, without limitation, the employees leased from the [employee leasing company] professional employer organization; and

(b) In the written agreement with the client company to provide services as [an employee leasing company] a professional employer organization, clearly set forth the responsibility of the client company to provide coverage for workers’ compensation for all of the employees of the client company, including, without limitation, the employees leased from the [employee leasing company] professional employer organization.

5. If [an employee leasing company] a professional employer organization offers to provide coverage for workers’ compensation for the employees that the [employee leasing company] professional employer organization leases to a client company in accordance with paragraph (d) or (e) of subsection 1:

(a) The coverage for workers’ compensation must not take effect until the client company executes the written agreement required by NRS 616B.688 between the [employee leasing company] professional employer organization and the client company; and

(b) The written agreement required by NRS 616B.688 between the [employee leasing company] professional employer organization and the client company must:

1. Explain that coverage for workers’ compensation does not take effect until the effective date designated by the insurer in the policy of workers’ compensation insurance;

2. Provide that, while the policy of workers’ compensation insurance is in force, the [employee leasing company] professional employer organization will pay all premiums required by the policy, including, without limitation, any adjustments or assessments, and will be entitled to any refunds of premiums;

3. Set forth the procedures by which the client company or the [employee leasing company] professional employer organization may terminate the agreement and any fees or costs payable upon termination;
(4) Provide that, except as otherwise provided by law, all services provided by the [employee leasing company, professional employer organization] to the client company will cease immediately on the effective date of any termination of the agreement;

(5) Provide that the insurer from whom the policy of workers’ compensation insurance is obtained by the [employee leasing company, professional employer organization] has the right to inspect the premises and records of the client company;

(6) Provide that the loss experience of the client company will continue to be reported in the name of the client company to the Commissioner and will be available to subsequent insurers upon request;

(7) Provide that the policy of workers’ compensation insurance covers only those employees acknowledged in writing by the [employee leasing company, professional employer organization] to be employees of the [employee leasing company, professional employer organization] who are being leased to the client company;

(8) Explain that the client company is responsible at all times for providing coverage for workers’ compensation for any employees of the client company who are not leased from the [employee leasing company, professional employer organization]; and

(9) Provide that the client company must provide satisfactory evidence of the coverage required by subparagraph (8) to the insurer from whom the policy of workers’ compensation insurance is obtained by the [employee leasing company, professional employer organization].

6. Nothing in this section prohibits the employees of [employee leasing company, a professional employer organization] who are leased to one or more client companies from being considered as a group for the purposes of any eligibility for dividends, discounts on premiums, rating arrangements or options or obtaining policies with large deductibles.

7. The exclusive remedy provided by NRS 616A.020 applies to the [employee leasing company, professional employer organization] the client company and to all employees of the client company, including, without limitation, the employees leased from the [employee leasing company, professional employer organization], whether the [employee leasing company, professional employer organization] or the client company provides the coverage for workers’ compensation.

8. The Administrator and the Commissioner may adopt regulations to carry out the provisions of this section.

9. As used in this section:

(a) “Client company” has the meaning ascribed to it in NRS 616B.670.

(b) “Professional employer organization” has the meaning ascribed to it in NRS 616B.670.
Sec. 5. NRS 616B.693 is hereby amended to read as follows:

616B.693 1. The [Administrator] Labor Commissioner may adopt regulations authorizing and setting forth qualifications for an assurance organization selected by [an employee leasing company] a professional employer organization to act on behalf of the [employee leasing company] professional employer organization in complying with the requirements of NRS 616B.670 to 616B.697, inclusive, and any regulations adopted pursuant thereto, including, without limitation, any requirements regarding obtaining or renewing a [certificate of registration] license. Such an assurance organization must be independent of the [employee leasing company] professional employer organization and approved by the [Administrator] Labor Commissioner.

2. Nothing in this section or any regulations adopted pursuant thereto:
   (a) Limits or otherwise affects the authority of the [Administrator] Labor Commissioner to issue or revoke a [certificate of registration] license of [an employee leasing company] a professional employer organization subject to the appeals process;
   (b) Limits or otherwise affects the authority of the [Administrator] Labor Commissioner to investigate compliance with or enforce any provision of NRS 616B.670 to 616B.697, inclusive, and any regulations adopted pursuant thereto; or
   (c) Requires [an employee leasing company] a professional employer organization to authorize an assurance organization to act on its behalf.

3. As used in this section, “assurance organization” means a person who meets the qualifications set forth by the [Administrator] Labor Commissioner pursuant to regulations adopted pursuant to subsection 1.

Sec. 6. NRS 616B.694 is hereby amended to read as follows:

616B.694 The [Administrator] Labor Commissioner:

1. Shall administer the provisions of NRS 616B.670 to 616B.697, inclusive, and may adopt reasonable regulations to carry out those provisions.

2. May investigate compliance with or enforce any provision of NRS 616B.670 to 616B.697, inclusive, and any regulations adopted pursuant thereto.

Sec. 7. NRS 616B.697 is hereby amended to read as follows:

616B.697 1. An action for damages caused by the failure of [an employee leasing company] a professional employer organization to comply with the provisions of NRS 616B.670 to 616B.697, inclusive, may be brought against any person who is required to sign the application for a [certificate of registration] license for the [employee leasing company] professional employer organization.

2. In addition to any other remedy or penalty prescribed by law, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such failure.
Sec. 8. NRS 616C.010 is hereby amended to read as follows:

616C.010 1. Whenever any accident occurs to any employee, the employee shall forthwith report the accident and the injury resulting therefrom to his or her employer.

2. When an employer learns of an accident, whether or not it is reported, the employer may direct the employee to submit to, or the employee may request, an examination by a physician or chiropractor, in order to ascertain the character and extent of the injury and render medical attention which is required immediately. The employer shall:

(a) If the employer’s insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of:

(1) Two or more physicians or chiropractors who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are two or more such physicians or chiropractors within 30 miles of the employee’s place of employment; or

(2) One or more physicians or chiropractors who are qualified to conduct the examination and who are available pursuant to the terms of the contract, if there are not two or more such physicians or chiropractors within 30 miles of the employee’s place of employment.

(b) If the employer’s insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527, furnish the names, addresses and telephone numbers of:

(1) Two or more physicians or chiropractors who are qualified to conduct the examination, if there are two or more such physicians or chiropractors within 30 miles of the employee’s place of employment; or

(2) One or more physicians or chiropractors who are qualified to conduct the examination, if there are not two or more such physicians or chiropractors within 30 miles of the employee’s place of employment.

3. From among the names furnished by the employer pursuant to subsection 2, the employee shall select one of those physicians or chiropractors to conduct the examination, but the employer shall not require the employee to select a particular physician or chiropractor from among the names furnished by the employer. Thereupon, the examining physician or chiropractor shall report forthwith to the employer and to the insurer the character and extent of the injury. The employer shall not require the employee to disclose or permit the disclosure of any other information concerning the employee’s physical condition except as required by NRS 616C.177.

4. Further medical attention, except as otherwise provided in NRS 616C.265, must be authorized by the insurer.

5. This section does not prohibit an employer from requiring the employee to submit to an examination by a physician or chiropractor specified by the employer at any convenient time after medical attention which is required immediately has been completed.
6. **An employee leasing company** A professional employer organization must provide to each employee covered under an employee leasing contract instructions on how to notify the **leasing company supervisor and** client company **and the employee’s supervisor at the professional employer organization** of an injury in plain, clear language placed in conspicuous type in a specifically labeled area of instructions given to the employee.

Sec. 9. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or **employee leasing company** professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

1. Settle for an amount which is less than reasonable;

2. Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

3. Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

1. Later than 10 days after the date of the settlement agreement or stipulation;

2. Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

3. Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division’s regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;
(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;
(h) Engaged in a pattern of untimely payments to injured employees; or
(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS, the Administrator shall impose an administrative fine of $1,500 for each initial violation, or a fine of $15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:
   (1) A minor violation, as defined by regulations adopted by the Division; or
   (2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.
   The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:
   (1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or
   (2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).
   The fine imposed must not be greater than $375 for an initial violation, or more than $3,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:
(a) Except as otherwise provided in paragraph (b), in an amount that is not less than $5,000 and not greater than $50,000; or

(b) Of $3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than $500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within 10 days after the date of the Administrator’s determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within 10 days after the date of the Administrator’s determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:
(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and
(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation, the Administrator shall impose an administrative fine of not more than $15,000.

7. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:
   (a) A certificate to act as a self-insured employer.
   (b) A certificate to act as an association of self-insured public or private employers.
   (c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than $250 for a first violation, $500 for a second violation and $1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 10. NRS 363C.210 is hereby amended to read as follows:

363C.210 1. In computing the commerce tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in gross revenue of the business entity:
   (a) Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.
   (b) Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.
   (c) If a business entity is required to pay a license fee pursuant to NRS 463.370, the amount of its gross receipts used to determine the amount of that fee.
   (d) If the business entity is required to pay a tax on the net proceeds from mineral extraction and royalties subject to the excise tax pursuant to the
provisions of NRS 362.100 to 362.240, inclusive, the amount of the gross proceeds used to determine the amount of that tax.

(e) If the business entity is required to pay the tax imposed by chapter 369 of NRS, an amount equal to the amount of the excise tax paid pursuant to that chapter by the business entity.

(f) If the business entity is required to pay the tax imposed pursuant to chapter 680B of NRS:

(1) The amount of the total income derived from direct premiums written and all other considerations for insurance, bail or annuity contracts used to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

(2) Any amounts excluded from total income derived from direct premiums pursuant to NRS 680B.025; and

(3) Gross premiums upon policies on risks located in this State received by a factory mutual and amounts deducted from such gross premiums to determine the amount of the tax imposed by NRS 680B.027 upon the factory mutual pursuant to NRS 680B.033.

(g) If the business entity is required to pay the tax imposed pursuant to NRS 694C.450, the amount of the net direct premiums, as defined in that section, used to determine the amount of that tax.

(h) If the business entity is required to pay the tax imposed pursuant to NRS 685A.180, the amount of the premiums, as defined in that section, used to determine the amount of that tax.

(i) Except as otherwise provided by paragraph (j), the total amount of payments received by a health care provider:

(1) From Medicaid, Medicare, the Children’s Health Insurance Program, the Fund for Hospital Care to Indigent Persons created pursuant to NRS 428.175 or TRICARE;

(2) For professional services provided in relation to a workers’ compensation claim; and

(3) For the actual cost to the health care provider for any uncompensated care provided by the health care provider, except that if the health care provider later receives payment for all or part of that care, the health care provider must include the amount of the payment in his or her gross receipts for the calendar quarter in which the payment is received.

(j) If the business entity is engaging in a business in this State as a health care provider that is a health care institution, an amount equal to 50 percent of the amounts described in paragraph (i) that are received by the health care institution.

(k) If the business entity is engaging in business in this State as an employee leasing company, a professional employer organization, the amount of any payments received from a client company for wages, payroll taxes on those wages, employee benefits and workers’ compensation benefits for employees leased to the client company.

(l) The amount of any pass-through revenue of the business entity.
The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.

(n) The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:
   (1) Located on property owned or leased by the Federal Government; and
   (2) Managed or operated primarily to house members of the Armed Forces of the United States.

(o) Interest income other than interest on credit sales.

(p) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity.

(q) Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221 or 1231, without regard to the length of time the business entity held the asset.

(r) Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this paragraph, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.

(s) Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.

(t) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.

(u) Proceeds received from the issuance of the business entity’s own stock, options, warrants, puts or calls, from the sale of the business entity’s treasury stock or as contributions to the capital of the business entity.

(v) Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.

(w) Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.

(x) Bad debts expensed for the purposes of federal income taxation.

(y) Returns and refunds to customers.

(z) Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.
(aa) If the business entity owns an interest in a passive entity, the business
entity’s share of the net income of the passive entity, but only to the extent the
net income of the passive entity was generated by the gross revenue of another
business entity.

2. As used in this section:
(a) “Children’s Health Insurance Program” means the program established
pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health
insurance for uninsured children from low-income families in this State.
(b) “Client company” has the meaning ascribed to it in NRS 616B.670.
(c) “Employee leasing company” has the meaning ascribed to it in
NRS 616B.670.
(d) “Health care institution” means:
(1) A medical facility as defined in NRS 449.0151; and
(2) A pharmacy as defined in NRS 639.012.
(e) “Health care provider” means a business that receives any
payments listed in paragraph (i) of subsection 1 as a provider of health care
services, including, without limitation, mental health care services.
(f) “Medicaid” means the program established pursuant to Title XIX
of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for
part or all of the cost of medical care rendered on behalf of indigent persons.
(g) “Medicare” means the program of health insurance for aged
persons and persons with disabilities established pursuant to Title XVIII of the
Social Security Act, 42 U.S.C. §§ 1395 et seq.
(g) “Professional employer organization” has the meaning ascribed to it in
NRS 616B.670.
Sec. 11. Chapter 689C of NRS is hereby amended by adding thereto a
new section to read as follows:
“Professional employer organization” has the meaning ascribed to it in
NRS 616B.670.
Sec. 12. NRS 689C.015 is hereby amended to read as follows:
689C.015 Except as otherwise provided in this chapter, as used in this
chapter, unless the context otherwise requires, the words and terms defined in
NRS 689C.017 to 689C.106, inclusive, and section 11 of this act have the
meanings ascribed to them in those sections.
Sec. 13. NRS 689C.065 is hereby amended to read as follows:
689C.065 1. “Eligible employee” means a permanent employee who has
a regular working week of 30 or more hours.
2. The term includes a sole proprietor, a partner of a partnership or an
employee of an employee leasing company, a professional employer
organization, if the sole proprietor, partner or employee of the employee
leasing company, professional employer organization is included as an
employee under a health benefit plan of a small employer.
Sec. 14. NRS 689C.111 is hereby amended to read as follows:
689C.111 [An employee leasing company] A professional employer organization which has more than 50 employees, including leased employees at client locations, and which sponsors a fully insured health benefit plan for those employees shall be deemed to be a large employer for the purposes of this chapter.

Sec. 15. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and section 11 of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16. A person who, on July 1, 2021:

1. Is the holder of a valid certificate of registration issued pursuant to NRS 616B.673, and who is otherwise qualified to hold such a certificate of registration on that date, shall be deemed to hold a license issued pursuant to that section, as amended by section 2 of this act.

2. Has submitted an application for a certificate of registration pursuant to NRS 616B.676 shall be deemed to have submitted an application for a license pursuant to that section, as amended by section 3 of this act.

Sec. 17. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 18. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes [appropriately]:

(a) Appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.
(b) Move the provisions of NRS 616B.670 to 616B.691, inclusive, and NRS 616B.693, 616B.694 and 616B.697, from chapter 616B of the Nevada Revised Statutes to chapter 611 of the Nevada Revised Statutes and appropriately change any internal references to reflect the change in location and numbering.

2. In preparing supplements to the Nevada Administrative Code, appropriately:
   (a) Appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.
   (b) Substitute appropriately the term “professional employer organization” for the term “employee leasing company” in the regulations described in section 17 of this act.
   (c) Substitute appropriately the term “license” for the terms “certificate of registration” and “registration” in the regulations described in section 17 of this act.

Sec. 19. NRS 689C.066 is hereby repealed.

Sec. 20. This act becomes effective [upon passage and approval] on July 1, 2021.

TEXT OF REPEALED SECTION

689C.066 “Employee leasing company” defined. “Employee leasing company” has the meaning ascribed to it in NRS 616B.670.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 66.
Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 13.

SUMMARY—[Creates the Nevada K-16 Connectivity and Innovation Advisory Commission.] Enacts provisions relating to access to the Internet and telecommunications technology for pupils. (BDR 34-430)

AN ACT relating to education; [creating the Nevada K-16 Connectivity and Innovation Advisory Commission.] prescribing the duties of the [Commission] Office of Science, Innovation and Technology relating to access to the Internet and telecommunications technology for pupils; requiring the board of trustees of each school district and the State Public Charter School Authority to report certain information to the [Commission] Office of Science, Innovation and Technology; requiring the [Commission] Office to prepare and submit an annual report; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:

This bill creates the Nevada K-16 Connectivity and Innovation Advisory Commission for the general purpose of coordinating the implementation of telecommunications services for education in Nevada. Section 2 of this bill provides for the appointment of members to the Commission and requires the Commission to meet at least quarterly.

Existing law establishes the Office of Science, Innovation and Technology, which is required, in general, to advise on matters relating to science, innovation, technology and broadband service. (NRS 223.600, 223.610) Section 3 of this bill establishes the additional duties of the Office, which include, without limitation: (1) supporting and facilitating the telecommunications needs of certain entities affiliated with K-12 public education and the Nevada System of Higher Education; (2) establishing model parameters for telecommunications networks in public settings for use by pupils and students; and (3) developing a financial model for the sustainability and financial stability of such telecommunications networks, services and equipment.

Section 3 also requires the Office to work with various entities to deliver telecommunications networks, services or equipment; and to avoid duplicating the technology. Finally, section 3 authorizes the Department of Education and the Office to adopt any regulations necessary to carry out the provisions of this bill.

Section 3.5 of this bill requires the board of trustees of each school district and the State Public Charter School Authority to submit to the Office certain information relating to the extent to which pupils have access to the Internet at their homes and access to telecommunications technology.

Section 4 of this bill requires the Office to prepare an annual report on the status of the Office in carrying out its duties prescribed by section 3 and submit the report to the Governor, the State Board of Education and: (1) in odd-numbered years, to the Senate and Assembly Standing Committees on Education; and (2) in even-numbered years, to the Legislative Committee on Education.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3, 3.5 and 4 of this act.

Sec. 2. The Nevada K-16 Connectivity and Innovation Advisory Commission is hereby created. The Commission consists of the following 13 members:
(a) Three members appointed by the Board of Regents of the University of Nevada who represent the Nevada System of Higher Education as follows:
   (1) One member from a county whose population is 700,000 or more;
   (2) One member from a county whose population is 100,000 or more but
       less than 700,000; and
   (3) One member from a county whose population is less than 100,000;
(b) Five members who represent the system of public education in this State,
    appointed as follows:
    (1) One member appointed by the State Board of Education;
    (2) One member appointed by the Nevada Association of School
        Superintendents, or its successor organization, who represents a school
        district in a county whose population is 700,000 or more;
    (3) One member appointed by the Nevada Association of School
        Superintendents, or its successor organization, who represents a school
        district in a county whose population is 100,000 or more but less than 700,000;
    (4) One member appointed by the Nevada Association of School
        Superintendents, or its successor organization, who represents a school
        district in a county whose population is less than 100,000; and
    (5) One member appointed by the State Public Charter School Authority;
(c) Two members appointed by the Governor who represent parks and
    recreation as follows:
    (1) One member appointed by the Governor who represents a parks and
        recreation department in a county whose population is 700,000 or more; and
    (2) One member appointed by the Governor who represents a parks and
        recreation department in a county whose population is less than 700,000; and
(d) One member appointed by the State Library, Archives and Public
    Records Administrator who represents the Division of State Library, Archives
    and Public Records of the Department of Administration; and
(e) Two members appointed by the Governor who represent the
    telecommunications industry.
2. Each member of the Commission serves a term of 2 years and may be
   reappointed to additional terms.
3. A vacancy on the Commission must be filled in the same manner as the
   original appointment not later than 30 days after the vacancy occurs.
4. At the first meeting of each calendar year, the Commission shall elect from
   among its members a Chair, Vice Chair and Secretary, and shall adopt
   the rules and procedures of the Commission.
5. The Commission shall meet at least quarterly and may meet at other
   times upon the call of the Chair.
7. A member of the Commission who is a public employee must be granted
   administrative leave from the member’s duties to engage in the business of the
   Commission without loss of his or her regular compensation. Such leave does
   not reduce the amount of the member’s other accrued leave.
8. The Commission may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 2 of this act.

9. The Department shall provide administrative support to the Commission. [Deleted by amendment.]

Sec. 3. 1. The [Nevada K-16 Connectivity and Innovation Advisory Commission created by section 2 of this act] Office of Science, Innovation and Technology established by NRS 223.600 shall:

(a) Support and facilitate the telecommunications needs of public schools, school districts, public institutions of higher education, public libraries, community centers and other entities affiliated with the system of K-12 public education in this State and the Nevada System of Higher Education for the purpose of addressing connectivity issues for pupils and students. In consultation with the board of trustees of each school district, develop a standardized, statewide system of gathering data from pupils and their families to assess the ability of pupils to access the Internet at their homes. The statewide system must:

(1) Be able to be replicated each year;
(2) Be developed with consideration of existing processes and systems for gathering data on pupils and their families and, to the greatest extent possible, use such processes and systems;
(3) Provide data on access to the Internet at the permanent or temporary address of a pupil; and
(4) To the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, be able to disaggregate data based on the name of the pupil, the name of the family of the pupil and other appropriate personally identifiable information.

(b) Establish model parameters for telecommunications networks in public settings for use by pupils or students by, without limitation:

(1) Developing and implementing a telecommunications network for the delivery of educational services which may use, without limitation, satellites, microwaves, fiber optics, broadcast media and other forms of transmission;
(2) Ensuring that public schools, school districts, public institutions of higher education, public libraries, community centers and other entities affiliated with the system of K-12 public education in this State and the Nevada System of Higher Education have access to any telecommunications networks, services or equipment necessary for the delivery of educational services;
(3) Procuring, installing and maintaining high quality, cost effective technology given the limited resources of public education and other entities affiliated with the system of K-12 public education in this State and the Nevada System of Higher Education; and
(4) Developing a method to share the data gathered pursuant to paragraph (a), to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, with providers of telecommunications networks, services or equipment [including, without limitation,] interested in providing access to the Internet [access, on
behalf of public schools, school districts and public institutions of higher education, when determined by the Commission to be appropriate; 
(4) Coordinating and supporting any initiatives relating to pupils who lack access to the Internet at their homes.

(c) Develop recommendations for minimum standards for telecommunications technology [for public schools, school districts and public institutions of higher education];

(5) Sharing reports on trends that relate to the use of emerging technology in K-12 education; and

(6) Considering and making recommendations relating to major themes affecting innovation in teaching and learning in schools and communities; and

(c) Develop a financial model that provides for the sustainability and financial stability of telecommunications networks, services or equipment, including, without limitation, Internet access, used for such educational purposes owned by a school or school district that will best ensure the capability of the telecommunications technology to connect to the Internet. The recommendations must, without limitation:

(1) Evaluate the connectivity capabilities of the telecommunications technology and not other features, including, without limitation, processing power and memory;

(2) Require the telecommunications technology to connect to wireless fidelity, fixed wireless and mobile wireless Internet; and

(3) Include a list of recommended telecommunications technology that meets the recommended standards.

(d) Review each report submitted by the board of trustees of a school district and the State Public Charter School Authority pursuant to section 3.5 of this act and, based on the review:

(I) Disaggregate any data by school district, charter school, the number of pupils who lack access to the Internet and the number of pupils who lack access to telecommunications technology;

(II) Review data gathered in response to the public-health crisis caused by the COVID-19 pandemic; and

(III) To the greatest extent possible, use existing mechanisms for gathering data;

(2) Develop a fiscal plan to close gaps in access to the Internet and gaps in access to telecommunications technology which may include, without limitation, use of the Lifeline program of the Federal Communications Commission, or its successor program, the Emergency Broadband Benefit program of the Federal Communications Commission, or its successor program, or the Schools and Libraries Universal Service Support program of the Federal Communications Commission, or its successor program; and
(3) Develop a plan to assess the speed of uploads and downloads on telecommunications technology to determine the number of pupils who have access to the Internet but lack sufficient speeds to participate in remote learning.

2. In carrying out its duties pursuant to subsection 1, the [Commissioner] Office shall work with:
   (a) [Work with private] Private sector entities to deliver high quality, cost-effective providers of telecommunications networks, services or equipment to understand the data and guarantees of payment that may be required to connect to the Internet pupils who lack access to the Internet at their homes;
   (b) [Avoid duplicating the telecommunications networks, services or equipment of other public or private providers of telecommunications networks, services or equipment.] Persons and entities who can inform the Office on current and future standards for wireless fidelity, fixed wireless and mobile wireless Internet and spectrum availability and provide recommendations on the features a telecommunications technology must have to connect with existing and future broadband networks;
   (c) Persons and entities who can provide information on delivery of access to the Internet that, to the greatest extent possible, will use existing firewall and filter services provided by a school district or charter school;
   (d) Persons and entities who can provide information on gathering data, data privacy and laws and regulations on data-sharing that could affect the efforts of the Office to identify and provide access to the Internet to pupils who lack access to the Internet at their homes; and
   (e) Persons and entities, including, without limitation, the Department of Health and Human Services, who can provide information on programs that may be used to provide access to the Internet to pupils who lack access to the Internet at their homes.

3. The Department and the Office may adopt any regulations necessary to carry out the provisions of this section.

4. As used in this section, “telecommunications technology” includes, without limitation, a laptop computer or tablet device.

Sec. 3.5. 1. On or before November 1 of each year, the board of trustees of each school district and the State Public Charter School Authority shall submit a report to the Office of Science, Technology and Innovation in a manner prescribed by the Office. The report must include:
   (a) The number of pupils who lack access to the Internet at their homes and, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the addresses of such pupils;
   (b) The number of pupils who use a hotspot provided by the school district or charter school to access the Internet;
   (c) The number of pupils who lack access to telecommunications technology that is capable of facilitating remote learning;
(d) The number of pupils who lack both access to the Internet and access to telecommunications technology; and
(e) The current requirements of the board of trustees of the school district or the State Public Charter School Authority for telecommunications technology owned by the school district, a school within the school district, the State Public Charter School Authority or a charter school sponsored by the State Public Charter School Authority.

2. As used in this section, “telecommunications technology” includes, without limitation, a laptop computer or tablet device.

Sec. 4. 1. On or before February 1 of each year, the [Nevada K-16 Connectivity and Innovation Advisory Commission created by section 2 of this act, Office of Science, Innovation and Technology shall prepare an annual report concerning the status of the [Commission] Office in carrying out its duties prescribed by section 3 of this act, including without limitation:
(a) Any recommendations for the procurement, installation and maintenance of telecommunications networks, services or equipment pursuant to subparagraph (3) of paragraph (b) of subsection 1 of section 3 of this act; and
(b) A description of the coordination of any initiatives relating to telecommunications technology pursuant to subparagraph (4) of paragraph (b) of subsection 1 of section 3 of this act.

2. The [Commission] Office shall submit the report prepared pursuant to subsection 1 to the Governor, the [Department] State Board and:
(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.
(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Senator Denis moved the adoption of the amendment.
Remarks by Senator Denis.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 69.
Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 50.
SUMMARY—Revises provisions relating to behavioral health.

AN ACT relating to behavioral health; providing for the certification of peer recovery support specialists and peer recovery support specialist supervisors who provide peer recovery support services under certain conditions to be certified; authorizing the imposition of civil penalties for certain violations; prohibiting the employment or retention as an independent contractor of a person for the purpose of providing or supervising the provision of peer recovery support services to minors if the person has been convicted of certain crimes or found to have engaged in certain conduct; requiring a certified peer recovery support specialist or certified peer recovery support specialist supervisor to report certain information; requiring any instruction, curriculum or program concerning substance misuse or substance use disorder in a public school to be evidence based; the Department of Education to publish a list of evidence-based curricula and programs concerning the prevention of substance misuse and substance use disorder; requiring the participation of public schools in a biennial survey to collect data concerning youth risk behavior of pupils enrolled in certain grades in a public school; abolishing requirements for the licensure of peer support recovery organizations; providing for the certification of substance use disorder prevention coalitions and prescribing the duties of such a coalition; requiring certain reporting concerning curricula and programs on substance misuse and substance use disorders in public schools; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) defines the term “peer support recovery organization” to mean a person or agency which, for compensation, provides peer support services to persons who are 18 years of age or older and who suffer from mental illness or an addictive disorder or identify themselves as at risk for mental illness or an addictive disorder; and (2) requires a peer support recovery organization to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services as a facility for the dependent.

Sections 20.3, 22.5-24.8, 25.2-25.7 and 36 of this bill remove existing provisions for the licensing and regulation of peer support recovery organizations. Sections 2-15.7 instead prescribe certain requirements governing natural persons who provide peer recovery support services. Section 5 of this bill defines the term “peer recovery support services” to mean nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems. Sections 2.5-4, 6 and 7 of this bill define certain additional relevant terms. Section 8 of this bill: (1) requires, in
general, a person to be certified by the Nevada Certification Board, or its successor organization, as a peer recovery support specialist or peer recovery support specialist supervisor before providing or supervising the provision of, as applicable, peer recovery support services to adults for compensation as a regular part of his or her job duties; (2) provides for the imposition of a civil penalty against a person who violates that requirement; and (2) makes it a misdemeanor to provide or supervise peer recovery support services without being certified. Section (3) authorizes a person who is not certified to provide peer recovery support services to adults for compensation as an intern under certain circumstances. Section 15 of this bill authorizes the Division to bring an action to enjoin any person from providing or supervising the provision of peer recovery support services in violation of section 8.

Sections 9-14 and 31.5 of this bill provide for the certification and regulation of peer recovery support specialists and peer recovery support specialist supervisors by the Division if the Nevada Certification Board or its successor organization ceases to certify such persons. Specifically, section 31.5 replaces the required certification by the Nevada Certification Board or its successor organization with a requirement to obtain certification from the Division under those circumstances. If the Division issues such certification because the Nevada Certification Board ceases to do so, section 9 of this bill: (1) requires the State Board of Health to adopt regulations governing peer recovery support services; (2) requires the Division to establish by regulation exemptions from the requirements of section 8. Section 22 of this bill requires the Legislative Committee on Health Care to review any regulation that relates to standards for the issuance or renewal of a certificate as a peer recovery support specialist or peer recovery support specialist supervisor.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 10 and 11 of this bill enact such procedures as applicable to an applicant to the Division for a certificate as a peer recovery support specialist or peer recovery support specialist supervisor in order to comply with federal law.

If the Division certifies peer recovery support specialists pursuant to sections 9 and 31.5, sections 12 and 13 of this bill provide for the issuance of a certificate as a peer recovery support specialist or peer recovery support specialist supervisor by endorsement to certain applicants who are licensed, certified or hold another credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, issued by another jurisdiction.

Section 14 of this bill: (1) requires an applicant to the Division for renewal of a certificate who has a state business license to provide his or her business identification number in the application; and (2) prohibits the renewal of a
certificate if the applicant fails to provide such information or is delinquent on a debt to a state agency.

[Section 15 of this bill authorizes the Division to bring an action to enjoin any person from providing or supervising peer recovery support services without a valid certificate.

Section 16 of this bill provides that peer recovery support specialists and peer recovery support specialist supervisors are providers of health care for the purposes of provisions imposing enhanced criminal penalties for assaulting a provider of health care under certain circumstances.]

Sections 15.2 and 15.4 of this bill require any person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor to undergo a background check to determine whether the person has, within the immediately preceding 5 years, been: (1) convicted of certain crimes involving children; (2) the subject of a substantiated report of the abuse or neglect of a child; or (3) found to have committed a violation of provisions prohibiting corporal punishment in public schools or the use of aversive interventions against pupils with disabilities in private schools. Section 15.4 of this bill also requires such an employee or independent contractor to notify the person or entity for which he or she provides peer recovery support services of certain charges, investigations and convictions involving such crimes or conduct.

Section 15.6 of this bill generally: (1) prohibits the employment of a person or retention of a person as an independent contractor for the purpose of providing peer recovery support services to a minor if the person has been convicted of such a crime or has been found to have engaged in such conduct within the immediately preceding 5 years; and (2) requires the termination of an employee or independent contractor who provides peer recovery support services to a minor and has been convicted of such a crime or is found to have engaged in such conduct within that period. Section 15.6 authorizes an employee or independent contractor who believes that the information provided through a background check is incorrect to attempt to correct the information. Section 15.6 also authorizes the Division to adopt regulations establishing a process to determine whether an employee or independent contractor who has been convicted of such a crime or found to have engaged in such conduct within the immediately preceding 5 years may continue to provide peer recovery support services to a minor. Sections 15.4 and 15.6 provide for the imposition of administrative penalties on persons and entities who violate the requirements of those sections. Section 15.7 of this bill requires a person or entity that employs a person or retains an independent contractor to provide peer recovery support services to a minor to maintain certain records of the background checks required by sections 15.2 and 15.4. Sections 15.8 and 20.6 of this bill make conforming changes to authorize the Central Repository for Nevada Records of Criminal History and the Statewide Central Registry for the Collection of Information Concerning the
Abuse or Neglect of a Child, respectively, to conduct the required background checks.

Sections 17, 21 and 28 of this bill require a certified peer recovery support specialist or certified peer recovery support specialist supervisor to report: (1) the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person; (2) the abuse or neglect of a child; and (3) violations of statutes or regulations governing nursing. If the Division certifies peer recovery support specialists and peer recovery support specialist supervisors pursuant to sections 9 and 31.5 and a peer recovery support specialist or peer recovery support specialist supervisor is reported to have abused, neglected, exploited, isolated or abandoned an older person or vulnerable person, section 18 of this bill requires the submission of the information in the report to the Division. (Sections 17, 23-25, 28 and 34 of this bill revise certain terminology to conform to terminology related to peer recovery support, as used in sections 2-15 of this bill.) Section 25 of this bill makes a conforming change to reflect the replacement of the requirement that peer recovery support specialists and peer recovery support specialist supervisors must be certified. Sections 29-31 of this bill exempt certified peer recovery support specialists and certified peer recovery support specialist supervisors from provisions governing certain other professions related to behavioral health. (Section 37 of this bill makes conforming changes to remove obsolete definitions.)

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain subjects, including health and science. (NRS 389.520) If the standards of content and performance for any subject include information concerning substance misuse or substance use disorders, section 19 of this bill requires any instruction, curriculum or program concerning substance misuse and substance use disorders to be evidence-based. (Sections 389.381, 389.455) Section 18.5 of this bill requires the Department of Education to develop, maintain and publish a list of evidence-based curricula and programs concerning substance misuse and substance use disorders. Section 32 of this bill requires the board of trustees of each school district and the governing body of each charter school to submit to the Legislative Committee on Education a report that describes any curriculum or program concerning substance misuse or substance use disorders used or offered in the school district or charter school, as applicable, during the [2021-2022] 2020-2021 school year.

Section 20 of this bill requires the board of trustees of each school district and the governing body of each charter school that operates a middle school, junior high school or high school to ensure that the school district or charter
school participates in the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, which is a system pursuant to which a survey is administered every other year to a sampling of pupils in grades 6 to 12, inclusive, to collect data concerning health-risk behaviors by such pupils. Section 20 also authorizes: (1) the parent or guardian of a pupil who is an unemancipated minor to refuse consent to the administration of the survey to the pupil; and (2) a pupil to refuse to participate in the survey.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders; and (2) coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of programs for alcohol or other substance use disorders in this State. (NRS 458.025) Section 26 of this bill requires the State Board of Health to adopt regulations providing for the certification of substance use disorder prevention coalitions, which are coalitions of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in regions of this State. Section 26 also prescribes the duties of a certified substance use disorder prevention coalition, and section 27 of this bill makes a conforming change to indicate the placement of section 26 within the Nevada Revised Statutes.

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

Section 1. Chapter 433 of NRS is hereby amended by adding the provisions set forth as sections 2 to 15.7, inclusive, of this act.

Sec. 2. As used in sections 2 to 15.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.5. “Adult” means a natural person who is 18 years of age or older.

Sec. 3. “Board” means the State Board of Health.

Sec. 4. “Certificate” means a certificate issued by the Division that authorizes the holder to provide or supervise the provision of peer recovery support services, as applicable.

Sec. 5. “Peer recovery support services” means nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems.

Sec. 6. “Peer recovery support specialist” means a person who is authorized under the provisions of section 8 of this act to provide peer recovery support services to adults for compensation as a regular part
of his or her job duties. The term does not include a peer recovery support specialist intern.

Sec. 6.5. “Peer recovery support specialist intern” means a person who is authorized under the provisions of section 8 of this act to provide peer recovery support services to adults for compensation as a regular part of his or her job duties.

Sec. 7. “Peer recovery support specialist supervisor” means a person who is authorized under the provisions of section 8 of this act to supervise the provision of peer recovery support services by a peer recovery support specialist to adults for compensation as a regular part of his or her job duties.

Sec. 8. 1. Except as authorized by the regulations adopted pursuant to section 9 of this act, a person shall not:

(a) Provide peer recovery support services to adults for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services to adults unless he or she holds a valid certificate as a peer recovery support specialist issued by the Nevada Certification Board or its successor organization.

(b) Supervise the provision of peer recovery support services to adults for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services to adults unless he or she holds a valid certificate as a peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization.

2. Any violation of this section is a misdemeanor. If the Nevada Certification Board or its successor organization establishes conditions governing the provision of peer recovery support services by a person who is not certified as a peer recovery support specialist while the person is acquiring the experience necessary for certification as a peer recovery support specialist, such a person may:

(a) Provide peer recovery support services to adults for compensation as a regular part of his or her job duties under those conditions; and

(b) Use the title of “peer recovery support specialist intern” while providing peer recovery support services under those conditions.

3. The Division may impose upon a person who violates this section a civil penalty in an amount prescribed by regulation of the Board.

Sec. 9. 1. The Board shall adopt regulations governing the provision of peer recovery support services. The regulations must prescribe:

(a) The requirements for the issuance and renewal of a certificate as a peer recovery support specialist or peer recovery support specialist supervisor, which must include, without limitation
(1) A requirement that the person be appropriately certified by the Nevada Certification Board or its successor organization; and
(2) Required training and experience for peer recovery support specialists and peer recovery support specialist supervisors.

(b) Requirements governing the supervision of peer recovery support specialists by peer recovery support specialist supervisors.

(c) Procedures for the Division to investigate misconduct by a peer recovery support specialist or peer recovery support specialist supervisor and to impose disciplinary action for such misconduct.

(d) The forms of disciplinary action that the Division may impose against a peer recovery support specialist or peer recovery support specialist supervisor.

2. The Board may, by regulation, prescribe a fee for:
(a) The issuance of a certificate; and
(b) The renewal of a certificate.

3. Any fee prescribed pursuant to subsection 2 must be calculated to produce the revenue estimated to cover the costs related to the issuance and renewal of certificates, but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division of issuing or renewing the certificate, as applicable.

4. The regulations adopted pursuant to this section may establish exemptions from the provisions of section 8 of this act.

Sec. 10. 1. A person who applies for the issuance or renewal of a certificate must:
(a) Include the social security number of the applicant in the application submitted to the Division.
(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:
(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or
(b) A separate form prescribed by the Division.

3. A certificate may not be issued or renewed by the Division if the applicant:
(a) Fails to submit the statement required pursuant to subsection 1; or
(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a
child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a certificate, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 12. 1. The Division may issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a certificate if the applicant holds a corresponding valid and unrestricted license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Division with his or her application:
   (a) Proof satisfactory to the Division that the applicant:
       (1) Satisfies the requirements of subsection 1;
       (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable; and
       (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
   (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
   (c) The fee prescribed by the Board in the regulations adopted pursuant to section 9 of this act; and
(d) Any other information required by the Division.

3. Not later than 15 business days after the Division receives an application for a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, to the applicant not later than 45 days after receiving the application.

Sec. 13. 1. The Division may issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board in the regulations adopted pursuant to section 9 of this act; and

(d) Any other information required by the Division.

3. Not later than 15 business days after the Division receives an application for a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application.
Unless the Division denies the application for good cause, the Division shall approve the application and issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Division to complete the application.

4. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Division may grant a provisional certificate authorizing an applicant to practice as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in accordance with regulations adopted by the Board.

5. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 14. 1. In addition to any other requirements set forth in sections 2 to 15, inclusive, of this act, an applicant for the renewal of a certificate as a recovery support specialist or recovery support specialist supervisor must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate may not be renewed if:
   (a) The applicant fails to submit the information required by subsection 1; or
   (b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:
       (1) Satisfied the debt;
       (2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or
       (3) Demonstrated that the debt is not valid.

3. As used in this section:
   (a) “Agency” has the meaning ascribed to it in NRS 353C.020.
   (b) “Debt” has the meaning ascribed to it in NRS 353C.040.

Sec. 15. 1. The Division may bring an action in the name of the State of Nevada to enjoin any person from:
   (a) Providing or supervising the provision of peer recovery support services:
       (A) Without first obtaining a certificate from the Division; or
       (B) After the certificate of the person has been revoked or suspended by the Division, engaging in conduct that violates the provisions of section 8 of this act.

   2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, provide or supervise the provision of peer recovery support services:
recovery support services] engage in conduct for which a certificate is required by section 8 of this act without a valid certificate.

Sec. 15.2. 1. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor to determine whether the person has, within the immediately preceding 5 years, been:

(a) Named in a substantiated report as causing the abuse or neglect of a child, as defined in NRS 392.281;
(b) Convicted of violating NRS 201.540 or 201.560 or a similar statute in another jurisdiction; or
(c) Found to have committed a violation of NRS 392.4633 or 394.366 or a similar statute in another jurisdiction.

2. The Division shall request information concerning each person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in paragraph (b) of subsection 1 and for submission to the Federal Bureau of Investigation for its report pursuant to section 15.4 of this act; and
(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether:

1. There has been a substantiated report of child abuse or neglect made against any such person; or
2. Any such person has been found to have committed a violation listed in paragraph (c) of subsection 1.

3. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. The information required to be obtained pursuant to subsections 1 and 2 must be requested for an initial background check before the employee or independent contractor provides or supervises the provision of peer recovery support services to a minor, and then at least once every 5 years thereafter.

5. A person who is required to submit to an investigation required pursuant to this section shall not provide or supervise the provision of peer recovery support services to a minor without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 15.4. 1. Every person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor shall submit to the
Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to section 15.2 of this act, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If a person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect filed against him or her, been convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or been found to have committed a violation listed in paragraph (c) of that subsection, the Division must immediately notify the employer of the person or the person or entity with whom the person has contracted, who shall then comply with the provisions of section 15.6 of this act.

3. A person or entity shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee or retaining an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor.

4. A person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor shall notify the employer or the person or entity who retained the person as an independent contractor not later than 24 hours after:

(a) Being charged with or convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or being investigated for or found to have committed a violation listed in paragraph (c) of that subsection;

(b) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(c) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

5. A person or entity shall notify the Division within 2 days after receiving notice that an employee or independent contractor of the person or entity who provides or supervises the provision of peer recovery support services to a minor:

(a) Has been charged with a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act; or

(b) Is being investigated for child abuse or neglect or a violation listed in paragraph (c) of subsection 1 of section 15.2 of this act.
6. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

Sec. 15.6. 1. Except as otherwise provided in this section, upon receiving information pursuant to section 15.4 of this act from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100, from an employee or independent contractor who provides or supervises the provision of peer recovery support services to a minor or from any other source that such an employee or independent contractor has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect made against him or her, been convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or been found to have committed a violation listed in paragraph (c) of that subsection, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 2.

2. If an employee or independent contractor who provides or supervises the provision of peer recovery support services to a minor believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection 1 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

3. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor who provides or supervises the provision of peer recovery support services to a minor and has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect made against him or her, been convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or been found to have committed a violation listed in paragraph (c) of that subsection may continue to provide or supervise the provision of peer recovery support services to a minor, despite the conviction, finding or report. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. §§ 2000e et seq.

4. If a process for review is established pursuant to subsection 3, an employee or independent contractor who provides or supervises the provision of peer recovery support services to a minor may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.
5. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 2 or requests a review of information pursuant to subsection 4, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not provide or supervise the provision of peer recovery support services to a minor without supervision during such a period.

6. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

7. As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 424.011.

Sec. 15.7. 1. A person or entity that employs a person or retains an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor shall maintain records of the information concerning employees and independent contractors that is collected pursuant to sections 15.2 and 15.4 of this act, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the employee or independent contractor submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period that the employee or independent contractor provides or supervises the provision of peer recovery support services to a minor; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 15.8. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and
(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:
   (a) Through an electronic network;
   (b) On a medium of magnetic storage; or
   (c) In the manner prescribed by the Director of the Department,
      within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:
   (a) In the manner prescribed by the Director of the Department;
   (b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and
   (c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:
   (a) Collect, maintain and arrange all information submitted to it relating to:
      (1) Records of criminal history; and
      (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.
   (b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.
   (c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:
   (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;
   (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and
   (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose
record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

1. Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;
2. With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;
3. Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers’ Standards and Training Commission;
4. For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329 and section 15.2 of this act; or
5. About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:
   (a) The person’s complete set of fingerprints for the purposes of:
      1. Booking the person into a city or county jail or detention facility;
      2. Employment;
      3. Contractual services; or
      4. Services related to occupational licensing;
   (b) One or more of the person’s fingerprints for the purposes of mobile identification by an agency of criminal justice; or
   (c) Any other biometric identifier of the person as it may require for the purposes of:
      1. Arrest; or
      2. Criminal investigation,
   from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:
   (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
   (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.
   (c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.
   (d) Investigate the criminal history of any person who:
      1. Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;
(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school, and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation, who the Central Repository’s records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository’s initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329 or section 15.2 of this act.

(g) On or before July 1 of each year, prepare and post on the Central Repository’s Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository’s Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository’s Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:
(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and
(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:
   (a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.
   (b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.
   (c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:
   (a) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.
   (b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:
      (1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and
      (2) A biometric identifier of a person.
   (c) “Private school” has the meaning ascribed to it in NRS 394.103.

Sec. 16. [NRS 200.471 is hereby amended to read as follows:
200.471  1. As used in this section:
   (a) “Assault” means:
      (1) Unlawfully attempting to use physical force against another person;
      (2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.
   (b) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.
   (c) “Officer” means:
      (1) A person who possesses some or all of the powers of a peace officer;
      (2) A person employed in a full-time salaried occupation of fire-fighting for the benefit or safety of the public;
      (2) A member of a volunteer fire department;
      (4) A jailer, guard or other correctional officer of a city or county jail;
(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;
(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;
(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;
(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:
   (i) Interact with the public;
   (ii) Perform tasks related to law enforcement; and
   (iii) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;
(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:
   (i) Interact with the public;
   (ii) Perform tasks related to fire-fighting or fire prevention; and
   (iii) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency;
(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:
   (i) Interact with the public;
   (ii) Perform tasks related to code enforcement; and
   (iii) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.
(d) “Provider of health care” means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide—certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a
(a) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum
Sec. 17. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;
(2) A police department or sheriff’s office; or
(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, peer recovery support specialist [certified pursuant to sections 2 to 15, inclusive], as defined in section 6 of this act, peer recovery support specialist supervisor [certified pursuant to sections 2 to 15, inclusive], as defined in section 7 of this act, or other person...
providing medical services licensed or certified to practice in this State, who
examines, attends or treats an older person or vulnerable person who appears
to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the
admission, examination, care or treatment of persons or an administrator,
manager or other person in charge of a hospital or similar institution upon
notification of the suspected abuse, neglect, exploitation, isolation or
abandonment of an older person or vulnerable person by a member of the staff
of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide
personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide
nursing in the home.

(f) Every person who operates, who is employed by or who contracts to
provide services for an intermediary service organization as defined in
NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except
the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125
and any of his or her advocates or volunteers where prohibited from making
such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county’s office for
protective services or an adult or juvenile probation officer.

(i) A coroner.

(j) Any person who maintains or serves as a volunteer for an
agency or service which advises persons regarding the abuse, neglect,
exploitation, isolation or abandonment of an older person or vulnerable person
and refers them to persons and agencies where their requests and needs can be
met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery
organization, as defined in NRS 449.01563.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to
subsection 1 knows or has reasonable cause to believe that an older person or
vulnerable person has died as a result of abuse, neglect, isolation or
abandonment, the person shall, as soon as reasonably practicable, report this
belief to the appropriate medical examiner or coroner, who shall investigate
the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:
   (a) Aging and Disability Services Division;
   (b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and
   (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county’s office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, “Unit for the Investigation and Prosecution of Crimes” means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 18. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:
   (a) Pursuant to a criminal prosecution;
   (b) Pursuant to NRS 200.50982; or
   (c) To persons or agencies enumerated in subsection 3,

is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:
(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;
(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;
(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;
(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;
(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;
(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
(g) Any comparable authorized person or agency in another jurisdiction;
(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;
(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;
(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;
(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:
  (1) The protected person is an older person or vulnerable person;
  (2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and
  (3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or
(l) The State Guardianship Compliance Office created by NRS 159.341.
4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS or sections 2 to 15.7, inclusive, of this act, the
information contained in the report must be submitted to the board or agency that issued the license or certificate.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 18.5. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall develop, maintain and publish on an Internet website maintained by the Department a list of evidence-based curricula and programs concerning the prevention of substance misuse and substance use disorders.

Sec. 19. (NRS 389.520 is hereby amended to read as follows:

189.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;
(2) Mathematics;
(3) Science;
(4) Social studies, which includes only the subjects of history, geography, economics and government;
(5) The arts;
(6) Computer education and technology, which includes computer science and computational thinking;
(7) Health;
(8) Physical education; and
(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

...
(2) Methods to ensure the prevention of:
   (i) Cyber-bullying;
   (ii) Plagiarism; and
   (iii) The theft of information or data in an electronic form;
(b) The safe use of computers and other electronic devices, including,
without limitation, methods to:
   (1) Avoid cyber-bullying and other unwanted electronic communication,
including, without limitation, communication with on-line predators;
   (2) Recognize when an on-line electronic communication is dangerous or
potentially dangerous; and
   (3) Report a dangerous or potentially dangerous on-line electronic
communication to the appropriate school personnel;
(c) The secure use of computers and other electronic devices, including,
without limitation:
   (1) Methods to maintain the security of personal identifying information
and financial information, including, without limitation, identifying
unsolicited electronic communication which is sent for the purpose of
obtaining such personal and financial information for an unlawful purpose;
   (2) The necessity for secure passwords or other unique identifiers;
   (3) The effects of a computer contaminant;
   (4) Methods to identify unsolicited commercial material; and
   (5) The dangers associated with social networking Internet sites; and
(d) A designation of the level of detail of instruction as appropriate for the
grade level of pupils who receive the instruction.
3. The standards for social studies must include multicultural education,
including, without limitation, information relating to contributions made by
men and women from various racial and ethnic backgrounds. The Council
shall consult with members of the community who represent the racial and
ethnic diversity of the State in developing such standards.
4. The standards for health must include mental health and the relationship
between mental health and physical health.
5. Any standards that include information relating to substance misuse
and substance use disorders must require any instruction, curriculum or
program concerning substance misuse and substance use disorders to be
evidence-based. The Department shall develop, maintain and publish on an
Internet website maintained by the Department a list of evidence-based
curricula and programs concerning substance misuse and substance use
disorders.
6. The Council shall establish standards of content and performance for
each grade level in kindergarten and grades 1 to 8, inclusive, for English
language arts and mathematics. The Council shall establish standards of
content and performance for the grade levels selected by the Council for the
other courses of study prescribed in subsection 1.
The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

If the State Board returns the standards to the Council, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

As used in this section:

(a) “Computer contaminant” has the meaning ascribed to it in NRS 205.4737.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Electronic communication” has the meaning ascribed to it in NRS 388.124.

Sec. 20. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection and subsection 2, the board of trustees of each school district and the governing body of each charter school that operates a middle school, junior high school or high school shall ensure that the school district or charter school, as applicable, participates in the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, if the Youth Risk Behavior Surveillance System ceases to exist.

(a) The State Board of Health must prescribe by regulation a successor system that is designed to collect similar information concerning risky behavior by youth, and

(b) The board of trustees of each school district and the governing body of each charter school that operates a middle school, junior high school or high school must participate in the system prescribed by the State Board of Health, or any equivalent or successor system developed by the Centers for Disease Control and Prevention.

2. A public school shall not administer the survey described in subsection 1 to a pupil if:
(a) The pupil is an unemancipated minor and the parent or guardian of the pupil has refused to consent to the administration of the survey pursuant to subsection 5; or

(b) The pupil has refused to participate in the survey pursuant to subsection 5.

3. If a public school is selected for the administration of a survey to its pupils pursuant to a system described in subsection 1, that The board of trustees of [school district in which the public school is located or], if the public school is a charter school, the governing body of [charter school that operates as a middle school, junior high school or high school shall ensure that a form is provided to the parent or guardian of each pupil to whom the survey described in subsection 1 will be administered that allows the parent or guardian to refuse consent to the administration of the survey to the pupil.

4. Before the administration of [survey pursuant to a system] described in subsection 1 to a pupil, the board of trustees of a school district or the governing body of a charter school shall provide the parent or guardian of the pupil or, if the pupil is an emancipated minor or is at least 18 years of age, the pupil, with an opportunity to review the survey and written notice of:
   (a) The manner in which the survey will be administered;
   (b) The manner in which the results of the survey will be used; and
   (c) The persons who will have access to the results of the survey.

5. At any time:
   (a) The parent or guardian of a pupil who is an unemancipated minor may refuse to provide consent to the administration of [survey pursuant to a system] described in subsection 1 by completing and submitting the form described in subsection 3, or any other written refusal of consent, to the principal or other person in charge of the public school in which the pupil is enrolled.
   (b) A pupil may refuse to participate in the survey.

Sec. 20.3.  NRS 427A.175 is hereby amended to read as follows:

427A.175  1. Within 1 year after an older patient sustains damage to his or her property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home, an intermediary service organization, a community health worker pool[, a peer support recovery organization] or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.
3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. If requested, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall conduct a hearing to determine whether the facility, home, agency, pool or organization is liable for damages to the patient. If the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines that the facility, home, agency, pool or organization is liable for damages to the patient, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:
   (a) “Agency to provide nursing in the home” has the meaning ascribed to it in NRS 449.0015;
   (b) “Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021;
   (c) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028;
   (d) “Facility for intermediate care” has the meaning ascribed to it in NRS 449.0038;
   (e) “Facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039;
   (f) “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105;
   (g) “Intermediary service organization” has the meaning ascribed to it in NRS 449.4304;
   (h) “Older patient” has the meaning ascribed to it in NRS 449.065; and
   (i) “Peer support recovery organization” has the meaning ascribed to it in NRS 449.01563; and
   (j) “Residential facility for groups” has the meaning ascribed to it in NRS 449.017.

Sec. 20.6. NRS 432.100 is hereby amended to read as follows:

432.100  1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:
(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;
(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to NRS 392.303;
(c) Statistical information on the protective services provided in this State; and
(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer:
   (a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and
   (b) Either:
      (1) The employer is required by law to conduct the background investigation of the person for employment purposes; or
      (2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,
         • but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:
   (a) An employee of the Division;
   (b) An agency which provides child welfare services;
   (c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170 or section 15.2 of this act; and
   (d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 21. NRS 432B.220 is hereby amended to read as follows:
432B.220  1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:
(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and
(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:
   (a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.
   (b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:
   (a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.
   (b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.
   (c) A coroner.
   (d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.
(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children’s camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, “youth shelter” has the meaning ascribed to it in NRS 244.427.

(l) A peer recovery support specialist, as defined in section 6 of this act, or peer recovery support specialist supervisor, certified pursuant to sections 2 to 15, inclusive, as defined in section 7 of this act.

(m) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or
endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 22. [NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS  and sections 2 to 15, inclusive, of this act.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;
(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
(d) Any other related factor the Committee deems appropriate.
3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.
4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 22.5. NRS 449.0045 is hereby amended to read as follows:
449.0045 "Facility for the dependent" includes:
1. A facility for the treatment of alcohol or other substance use disorders;
2. A halfway house for persons recovering from alcohol or other substance use disorders;
3. A facility for the care of adults during the day;
4. A residential facility for groups;
5. An agency to provide personal care services in the home;
6. A facility for transitional living for released offenders;
7. A home for individual residential care;
8. [A peer support recovery organization;]
9. A community health worker pool; and
[10.]

Sec. 23. [NRS 449.01563 is hereby amended to read as follows:
449.01563 "Peer [support] recovery support organization" means a person or agency which, for compensation, provides peer recovery support services to persons who are 18 years of age or older and who suffer from mental illness or an addictive disorder or identify themselves as at risk for mental illness or an addictive disorder. (Deleted by amendment.)

Sec. 24. [NRS 449.01566 is hereby amended to read as follows:
449.01566 "Peer recovery support services" means supportive services relating to mental health, an addictive disorder or a substance use disorder which:
1. Do not require the person offering the supportive services to be licensed;
2. Are offered to a person in need of such services;
3. May include, without limitation:
   (a) Helping to stabilize such a person;
   (b) Helping such a person with recovery;
   (c) Helping such a person to access community-based behavioral health care;
   (d) Assisting such a person during a crisis situation or an intervention;
   (e) Providing assistance with preventive care;
   (f) Providing strategies and education relating to the whole health needs of such a person; and
(g) Providing encouragement, peer mentoring and training in self-advocacy and self-direction to such a person [has the meaning ascribed to it in section 5 of this act]. (Deleted by amendment.)

Sec. 24. NRS 449.030 is hereby amended to read as follows:

449.030 Except as otherwise provided in NRS 449.03013 and 449.03017, no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.029 to 449.2428, inclusive.

Sec. 24.4. NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, peer support recovery organization, residential facility for groups, home for individual residential care, agency to provide personal care services in the home and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:

(a) If the facility, agency, organization or home employs less than 7 employees, in the amount of $5,000;

(b) If the facility, agency, organization or home employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the facility, agency, organization or home employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the facility, agency, organization or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the facility, agency, organization or home to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days’ written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility, agency, organization or home to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility, agency, organization or home is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The
Administrator of the Division of Public and Behavioral Health shall give the facility, agency, organization or home at least 20 days’ written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The Administrator of the Division of Public and Behavioral Health may exempt a [peer support recovery organization] residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the [peer support recovery organization] residential facility for groups or home for individual residential care.

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, [a peer support recovery organization] residential facility for groups, home for individual residential care, agency to provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

8. As used in this section, “older patient” means a patient who is 60 years of age or older.

Sec. 24.6. NRS 449.067 is hereby amended to read as follows:

449.067  1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, [a peer support recovery organization] residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:

(a) An obligation of a bank, savings and loan association, savings bank, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of
Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 24.8. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool, [organization] or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, [a peer support recovery organization] a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in
charge and employees of the facility, agency, pool [organization] or home are in compliance with the provisions of NRS 449.093.

Sec. 25. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a psychiatric hospital that meets the requirements of this section.

2. A psychiatric hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the psychiatric hospital to which the endorsement will apply:
   (a) Does not exceed a capacity of 16 beds or constitute an institution for mental diseases, as defined in 42 U.S.C. § 1396d;
   (b) Operates in accordance with established administrative protocols, evidence-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;
   (c) Employs [qualified persons] peer recovery support specialists [certified pursuant to sections 2 to 15, inclusive], as defined in section 6 of this act, to provide peer recovery support services [as defined in NRS 449.01566, section 5 of this act], when appropriate;
   (d) Uses a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;
   (f) Accepts all patients, without regard to:
      (1) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;
      (2) Any social conditions that affect the patient;
      (3) The ability of the patient to pay; or
(4) Whether the patient is admitted voluntarily to the psychiatric hospital pursuant to NRS 433A.140 or admitted to the psychiatric hospital under an emergency admission pursuant to NRS 433A.150;

(g) Performs an initial assessment on any patient who presents at the psychiatric hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;

(h) Has the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and

(i) Considers whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.

4. Crisis stabilization services that may be provided pursuant to paragraph (c) of subsection 3 may include, without limitation:
   (a) Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;
   (b) Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;
   (c) Treatment specific to the diagnosis of a patient; and
   (d) Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.

5. An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:
   (a) The information described in subsection 3; and
   (b) Proof that the psychiatric hospital is accredited by the Commission on Accreditation of Rehabilitation Facilities, or its successor organization, or the Joint Commission, or its successor organization.

6. As used in this section, “crisis stabilization services” means behavioral health services designed to:
   (a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and
   (b) When appropriate, avoid admission of a patient to another inpatient mental health facility or hospital and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

Sec. 25.2. NRS 449.119 is hereby amended to read as follows:

449.119 “Facility, hospital, agency, program or home” means an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based
living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, [a peer support recovery organization], a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders.

Sec. 25.5. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;
(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;
(5) A crime involving domestic violence that is punished as a felony;
(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;
(7) Abuse or neglect of a child or contributory delinquency;
(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;
(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;
(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;
(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;
(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;
(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or
(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or
(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children, is a psychiatric hospital that provides inpatient services to children or is a psychiatric residential treatment facility.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, an agency to provide nursing in the home [or a community health worker pool or a peer support recovery organization] if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:
(a) “Domestic violence” means an act described in NRS 33.018.
(b) “Facility, hospital, agency, program or home” has the meaning ascribed to it in NRS 449.119.
(c) “Medicaid” has the meaning ascribed to it in NRS 439B.120.
(d) “Medicare” has the meaning ascribed to it in NRS 439B.130.

Sec. 25.7. NRS 449.194 is hereby amended to read as follows:
449.194  Any person who is employed by an agency to provide personal care services in the home [or a community health worker pool or a peer support recovery organization] who:
1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;
2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or
3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation, and who in good faith renders emergency care or assistance in accordance with the person’s training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.
Sec. 26. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board of Health shall adopt regulations:
   (a) Providing for the certification of substance use disorder prevention coalitions; and
   (b) Establishing requirements governing the membership of and geographic region served by substance use disorder prevention coalitions. The regulations adopted pursuant to this paragraph must align with nationally recognized standards for substance use disorder prevention coalitions and must provide that a geographic region may be served by more than one substance use disorder prevention coalition.

2. A certified substance use disorder prevention coalition shall:
   (a) Advise the Department of Health and Human Services and the Division concerning:
      (1) The needs of adults and children in the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders in the geographic region;
      (2) Any progress, problems or plans relating to the provision of services for the prevention of substance misuse and substance use disorders and methods for improving the provision of such services in the geographic region served by the coalition;
      (3) Identified gaps in services for the prevention of substance misuse and substance use disorders and recommendations for addressing those gaps; and
      (4) Priorities for allocating resources to support and develop services for the prevention of substance misuse and substance use disorders in the geographic region served by the coalition.
   (b) Convene interested persons and entities to promote the use of evidence-based strategies to address needs concerning services for the prevention of substance misuse and substance use disorders and improve such services in the geographic region served by the coalition.
   (c) Coordinate and share information with other certified substance use disorder prevention coalitions to provide recommendations to the Department of Health and Human Services and the Division concerning services for the prevention of substance misuse and substance use disorders.
   (d) Implement, in coordination with the Department of Health and Human Services, the Division, other certified substance use disorder prevention coalitions and other interested persons and entities, statewide efforts for the prevention of substance misuse and substance use disorders.
   (e) Coordinate with persons and entities in this State who provide services related to the prevention of substance misuse and substance use disorders to increase the awareness of such services and reduce duplication of efforts.
   (f) In consultation with other persons and entities in this State who provide services related to the prevention of substance use disorders, submit an annual report to the regional behavioral health policy board for the geographic
region served by the substance use disorder prevention coalition. The report must include, without limitation:

(1) Identification of the specific needs of the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders;

(2) A description of methods that the coalition uses to collect and analyze data concerning:
   (I) Substance misuse and substance use disorders in the geographic region served by the coalition; and
   (II) Gaps in services related to the prevention of substance misuse and substance use disorders and the need for additional services in that region;

(3) The strategies used by the coalition and the results of those strategies;

(4) The goals of the coalition for the immediately preceding year and the degree to which the coalition achieved those goals; and

(5) The goals of the coalition for the immediately following year and the long-term goals of the coalition.

3. The Division shall collaborate with and utilize certified substance use disorder prevention coalitions as the primary local and regional entities to coordinate programs and strategies for the prevention of substance use disorders in this State.

4. As used in this section:
   (a) “Behavioral health region” has the meaning ascribed to it in NRS 433.426.
   (b) “Substance use disorder prevention coalition” means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 27. NRS 458.110 is hereby amended to read as follows:

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, and section 26 of this act, the Division may engage in any activity necessary to effectuate the purposes of this chapter.

Sec. 28. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist - certified pursuant to sections 2 to 15, inclusive, of this act, peer recovery support specialist supervisor - certified pursuant to sections 2 to 15, inclusive, of this act, music therapist, holder of a license or limited license issued
pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county’s office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery support organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.
(b) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028.

(c) “Peer support recovery support organization” has the meaning ascribed to it in NRS 449.01562.

(II) “Peer recovery support specialist” has the meaning ascribed to it in section 6 of this act.

(dd) “Peer recovery support specialist supervisor” has the meaning ascribed to it in section 7 of this act.

Sec. 29. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:
1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
8. A person who is certified as a peer recovery support specialist pursuant to sections 2 to 15, inclusive, of this act, while engaged in activity authorized under his or her certificate provides or supervises the provision of peer recovery support services in accordance with the provisions of sections 2 to 15.7, inclusive, of this act;
9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 437 of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 437.040; or
9. Any member of the clergy,
if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 30. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:
1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;  
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;  
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;  
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;  
8. A person who is certified as a peer recovery support specialist or peer recovery support specialist supervisor pursuant to sections 2 to 15, inclusive, of this act, while engaged in activity authorized under his or her certificate, provides or supervises the provision of peer recovery support services in accordance with sections 2 to 15.7, inclusive, of this act;  
9. Any member of the clergy;  
10. A county welfare director;  
11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or  
12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title “student of social work” or “trainee in social work,” or any other title which clearly indicates the student’s training status.

Sec. 31. NRS 641C.130 is hereby amended to read as follows:  
641C.130 The provisions of this chapter do not apply to:  
1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;  
2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;  
3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;  
4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;  
5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and
Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

6. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

7. A person who is certified as a peer recovery support specialist or peer recovery support specialist supervisor pursuant to sections 2 to 15.7, inclusive, of this act, while engaged in activity authorized under his or her certificate, provides or supervises the provision of peer recovery support services in accordance with sections 2 to 15.7, inclusive, of this act.

Sec. 31.5. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. Except as authorized by subsection 2, a person shall not:

(a) Provide peer recovery support services to adults for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services to adults unless he or she holds a valid certificate as a peer recovery support specialist issued by the Nevada Certification Board or its successor organization; or

(b) Supervise the provision of peer recovery support services to adults for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services to adults unless he or she holds a valid certificate as a peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization.

2. The Division may adopt regulations establishing conditions under which a person who is not certified as a peer recovery support specialist (while the person is acquiring the experience necessary for certification as a peer recovery support specialist, such a person) may:

(a) Provide peer recovery support services to adults for compensation as a regular part of his or her job duties (while acquiring the experience necessary for certification); and

(b) Use the title of “peer recovery support specialist intern” while providing peer recovery support services under those conditions.

3. The Division may impose upon a person who violates this section a civil penalty in an amount prescribed by regulation of the Board.

Sec. 32. 1. On or before September 30, 2021, the board of trustees of each school district and the governing body of each charter school shall submit to the Department of Education a report that describes any curriculum or program
concerning substance misuse and substance use disorders used or offered in the school district or charter school, as applicable, during the immediately preceding school year.

2. On or before October 31, 2021, the Department of Education shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education created by NRS 218E.605 a report that summarizes the information contained in the reports submitted to the Department pursuant to subsection 1.

Sec. 33. 1. Notwithstanding any provision of this act to the contrary, any person who provides or supervises the provision of peer recovery support services to adults as a regular part of his or her job duties on or before January 1, 2022, may continue to do so without obtaining a certificate from the Nevada Certification Board or its successor organization as required by section 8 of this act until July 31, 2023. To provide or supervise peer recovery support services on or after August 1, 2023, such a person must obtain a certificate from that organization as required by section 8 of this act.

2. Notwithstanding any provision of this act to the contrary, any person who holds a valid certification as a peer recovery support specialist or peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization on the date on which that organization ceases certifying peer recovery support specialists or peer recovery support specialist supervisors may provide or supervise the provision of peer recovery support services to adults as a regular part of his or her job duties without being certified by the Division of Public and Behavioral Health of the Department of Health and Human Services until 6 months after the date on which the Division begins certifying peer recovery support specialists and peer recovery support specialist supervisors pursuant to the regulations adopted by the State Board of Health pursuant to section 9 of this act. To provide or supervise the provision of peer recovery support services to adults as a regular part of his or her job duties after that date, such a person must obtain a certificate from the Division as required by section 8 of this act, as amended by section 31.5 of this act.

3. As used in this section, “peer recovery support services” has the meaning ascribed to it in section 5 of this act.

Sec. 34. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace:

(a) The term “peer support services” as it appears in the Nevada Revised Statutes with the term “peer recovery support services” in the manner provided in this act.

(b) The term “peer support recovery organization” as it appears in the Nevada Revised Statutes with the term “peer recovery support organization” in the manner provided in this act.
2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that:
   (a) The term “peer support services” is replaced with the term “peer recovery support services” as provided for in this act.
   (b) The term “peer support recovery organization” is replaced with the term “peer recovery support organization” as provided for in this act.

Sec. 34.5. Any regulations adopted by the State Board of Health pursuant to NRS 449.0302 governing peer support recovery organizations are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 1, 2022.

Sec. 35. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 36. NRS 449.01563, 449.01566, 449.03015, 449A.060 and 449A.062 are hereby repealed.

Sec. 37. 1. This section becomes effective upon passage and approval.
2. Sections 18.5, 19, 20 and 32 to 35, inclusive, of this act become effective on July 1, 2021.
3. Sections 1 to 18, inclusive, 21 to 21, inclusive, and 27 to 3, inclusive, 5 to 8, inclusive, 15 to 17, inclusive, 20.3 to 31, inclusive, and 33 to 36, inclusive, of this act become effective:
   (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
   (b) On January 1, 2022, for all other purposes.
4. Sections 4, 9 to 14, inclusive, 18 and 31.5 of this act become effective on the date on which the Nevada Certification Board, or its successor organization, ceases certifying peer recovery support specialists or peer recovery support specialist supervisors.
5. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:
   (a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
   (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

[TEXT] LEADLINES OF REPEALED SECTIONS
449.01563 “Peer support recovery organization” defined.
449.01566 “Peer support services” defined.
449.03015 Facility for the dependent or medical facility that employs providers of peer support services not required to obtain additional license.
“Peer support recovery organization” defined. (“Peer support recovery organization” means a person or agency which, for compensation, provides peer support services to persons who are 18 years of age or older and who suffer from mental illness or an addictive disorder or identify themselves as at risk for mental illness or an addictive disorder.)

“Peer support services” defined. (“Peer support services” means supportive services relating to mental health, an addictive disorder or substance use disorders which:

1. Do not require the person offering the supportive services to be licensed.
2. Are offered to a person in need of such services.
3. May include, without limitation:
   (a) Helping to stabilize such a person;
   (b) Helping such a person with recovery;
   (c) Helping such a person to access community-based behavioral health care;
   (d) Assisting such a person during a crisis situation or an intervention;
   (e) Providing assistance with preventive care;
   (f) Providing strategies and education relating to the whole health needs of such a person; and
   (g) Providing encouragement, peer mentoring and training in self-advocacy and self-direction to such a person.)

Senator Ratti moved the adoption of the amendment.
Remarks by Senator Ratti.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 71.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 9.

SUMMARY—Revises provisions governing unclaimed property.
(BDR 10-398)
AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:
Under existing law, Nevada has enacted the Uniform Unclaimed Property Act, which establishes the powers, duties and liabilities of the State and other persons concerning certain property which is unclaimed by its owner and presumed abandoned. Existing law also provides that the State Treasurer is the Administrator of Unclaimed Property for the purposes of the Act. (Chapter 120A of NRS) Sections 2-16 of this bill make various changes to the Act.
Under existing law, property that is referred to as or evidenced by “virtual currency” constitutes property that could become unclaimed by its owner, presumed abandoned and required to be delivered to the Administrator. (NRS 120A.113, 120A.500, 120A.570) Section 3 of this bill defines “virtual currency” for these purposes and excludes game-related digital content as property to which provisions governing unclaimed property apply. Section 2 of this bill defines “game-related digital content” for that purpose. Section 5 of this bill indicates the placement of sections 2 and 3 within the Act.

Existing law authorizes the Administrator to adopt regulations to facilitate the payment or delivery of property to an apparent owner under certain circumstances without that apparent owner filing a claim. (NRS 120A.715) Section 15 of this bill removes such authority for the adoption of regulations. Section 4 of this bill directly authorizes the Administrator to initiate and facilitate the payment or delivery of property to an apparent owner under certain circumstances without that apparent owner filing a claim. Under section 4, the circumstances of such payment or delivery without a claim involve the Administrator’s review and confirmation of the accuracy of evidence of the identity of the apparent owner.

Existing law governs when certain forms of property are presumed abandoned and required to be paid or delivered to the Administrator. (NRS 120A.500, 120A.570) In particular, existing law provides that certain forms of savings and similar accounts are presumed abandoned 3 years after the date of the last indication by the owner of interest in the property. (NRS 120A.500) Section 7 of this bill revises this provision to refer to an indication of interest in the property by an apparent owner. Section 7 further provides that actions by certain agents or other representatives of an apparent owner are presumed to be actions on behalf of the apparent owner. Section 7 also revises the terminology used to refer to funds relating to the costs of burial for the purposes of the presumption of abandonment of such funds. Section 6 of this bill revises the definition of the term “property” to exclude certain items related to burial and any property held in an endowment care fund as property that could become unclaimed by its owner, presumed abandoned and required to be delivered to the Administrator.

Existing law establishes the circumstances under which property that is presumed to be abandoned by its owner becomes subject to the jurisdiction of this State. In certain cases, jurisdiction is determined by reference to the domicile of the holder of the property. (NRS 120A.530) Section 8 of this bill provides that if a holder’s state of domicile has changed since the time property was presumed abandoned, the holder’s state of domicile is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned. Section 8 also establishes rules governing the use of addresses for the purposes of jurisdiction in cases involving: (1) certain insurance policies and annuity contracts; (2) certain property whose ownership vests in a
beneficiary upon the death of the owner; (3) an apparent owner with multiple addresses of record; and (4) an apparent owner whose address of record is a temporary address.

Existing law prohibits a holder of tangible property held in a safe-deposit box that the holder has reported to the Administrator as presumed abandoned from delivering the property to the Administrator until 60 days after the holder files the report. (NRS 120A.570) Section 9 of this bill provides instead that the holder of such property is required to deliver it to the Administrator within 60 days after filing the report.

Existing law establishes certain remedies, including reimbursement, for holders who pay or deliver property to the Administrator in good faith and subsequently make payment to a person who reasonably appears to be entitled to such payment. (NRS 120A.590) Section 9.5 of this bill makes those same remedies available to holders who pay or deliver property to the Administrator in error. Section 9.5 also revises certain provisions governing the process of reimbursement.

Existing law establishes the procedures that a person who wishes to claim ownership of property that has been paid or delivered to the Administrator as presumed abandoned must follow. (NRS 120A.640) Section 11 of this bill authorizes the Administrator to require a person who files such a claim on behalf of an estate to furnish evidence that the claimant is working on behalf of a person with an interest in the estate, such as an heir or a creditor. Section 11 also provides that a claim filed with the Administrator and any correspondence or other documents generated in connection with such a claim are confidential. Section 17 of this bill makes a conforming change concerning public records to provide for the confidentiality of such documents.

Existing law authorizes a holder of property, under certain circumstances, to report and deliver property to the Administrator before the passage of the time prescribed by statute to otherwise treat the property as presumed abandoned. (NRS 120A.660) Section 12 of this bill eliminates the requirement that the Administrator hold such property and eliminates the requirement that the property is not presumed abandoned until the time has passed for the owner to claim it.

Existing law authorizes the Administrator to examine the records of persons who may have statutorily imposed duties with respect to unclaimed property to determine whether they have complied with those statutes. Existing law requires the Administrator to give reasonable notice before conducting such examinations. (NRS 120A.690) Section 13 of this bill requires instead that the Administrator make only a good faith effort to provide such notice. Section 13 also authorizes the Administrator to: (1) require holders of property to furnish records in particular formats; and (2) issue and enforce administrative subpoenas to obtain such records.

Existing law requires a holder of property who is required to file a report with the Administrator to maintain the records that contain the required
information for 7 years after the holder files the report, unless the Administrator provides a shorter period by regulation. (NRS 120A.700) Section 14 of this bill requires such holders who wish to exclude certain information from a report to similarly maintain any records upon which the person wishes to rely to justify excluding the information.

Existing law prescribes requirements and restrictions relating to an agreement between an owner of property and another person, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property of the owner that is presumed abandoned. One of the restrictions is that the compensation in such an agreement may not exceed 10 percent of the total value of the property that is the subject of the agreement. (NRS 120A.740) Section 16 of this bill increases the maximum percentage in that restriction to 20 percent if the property was paid or delivered to the Administrator 5 years or more before the agreement was signed. Section 16 also expands the required contents of such an agreement.

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. “Game-related digital content” means digital content that exists only in an electronic game or electronic-game platform. The term includes:

(a) Game-play currency, such as a virtual wallet, even if denominated in United States currency; and

(b) If for use or redemption only within the electronic game or electronic-game platform:

(1) Points, sometimes referred to as gems, tokens, gold and similar names; and

(2) Digital codes.

2. The term does not include an item that the issuer:

(a) Permits to be redeemed for use outside an electronic game or electronic-game platform for:

(1) Money; or

(2) Goods or services that have more than minimal value; or

(b) Otherwise monetizes for use outside an electronic game or electronic game platform.

Sec. 3. “Virtual currency” means a digital representation of value used as a medium of exchange, unit of account or store of value, that does not have legal tender status recognized by the United States. The term does not include:

1. The software or protocols governing the transfer of the digital representation of value;

2. Game-related digital content; or

3. A loyalty card or gift certificate.
Sec. 4. *If the Administrator reasonably believes a person is the apparent owner of property after reviewing and confirming the accuracy of evidence of the identity of the person, the Administrator may initiate and facilitate the payment or delivery of the property to the person pursuant to this chapter without the person filing a claim.*

Sec. 5. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.120, inclusive, and sections 2 and 3 of this act, have the meanings ascribed to them in those sections.

Sec. 6. NRS 120A.113 is hereby amended to read as follows:

120A.113 1. “Property” means tangible property described in NRS 120A.510 or a fixed and certain interest in intangible property that is held, issued or owed in the course of a holder’s business or by a government, governmental subdivision, agency or instrumentality.

2. The term includes, without limitation:
   (a) All income from or increments to the property.
   (b) Property that is referred to as or evidenced by:
      (1) Money, virtual currency or interest, or a payroll card, dividend, check, draft or deposit;
      (2) A credit balance, customer’s overpayment, stored-value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds or unidentified remittance;
      (3) A security, except for a security that is subject to a lien, legal hold or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold or restriction restricts the holder’s or owner’s ability to receive, transfer, sell or otherwise negotiate the security;
      (4) A bond, debenture, note or other evidence of indebtedness;
      (5) Money deposited to redeem a security, make a distribution or pay a dividend;
      (6) An amount due and payable under the terms of an annuity or insurance policy; and
      (7) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits.

3. The term does not include:
   (a) Property held in an ABLE account described in section 529A of the Internal Revenue Code, 26 U.S.C. § 529A;
   (b) Game-related digital content; [or]
   (c) A loyalty card [ ];
   (d) A plot, niche or crypt intended or constructed for the burial, entombment or inurnment of human remains; or
Sec. 7. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6 and 7, property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler’s check, 15 years after issuance;
(b) A money order, 7 years after issuance;
(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the earlier of the date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner, or the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;
(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;
(e) A demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;
(f) Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;
(g) Any amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant:
(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier of the date:
(I) The insurance company has knowledge of the death of the insured; or
(II) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based; and
(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;
(h) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;
(i) Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

(j) Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

(k) Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

(m) Any property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the later of:

   (1) The date determined as follows:
      (I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or
      (II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service; or
   (2) The earlier of the following dates:
      (I) The date the apparent owner becomes 70.5 years of age, if determinable by the holder; or
      (II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the date the holder receives, in the ordinary course of business, confirmation of the death of the apparent owner;

(n) [An account of funds established to meet the costs of burial.]

The trust liability of a trust fund established with respect to a prepaid contract for funeral services or burial services as required by chapter 689 of NRS, 3 years after the earlier of:

   (1) The date of death of the beneficiary; or
   (2) If the holder does not know whether the beneficiary is deceased, the date the beneficiary has attained, or would have attained if living, the age of 105 years; and

(o) All other property, 3 years after the owner’s right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 or 7, as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by
or on behalf of the holder, with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner’s interest in property includes:
   (a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;
   (b) Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account or a direction by the apparent owner to increase, decrease or change the amount or type of property held in the account;
   (c) The making of a deposit to or withdrawal from a bank account; and
   (d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

For the purposes of this subsection, an action by an agent or other representative of the apparent owner, other than the holder acting as the agent of the apparent owner, is presumed to be an action on behalf of the apparent owner.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner’s failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:
   (a) An account or asset managed through a guardianship;
   (b) An account blocked at the direction of a court;
   (c) A trust account established to address a special need;
   (d) A qualified income trust account;
   (e) A trust account established for tuition purposes; and
   (f) A trust account established on behalf of a client.

7. For property described in paragraphs (c) to (f), inclusive, and (o) of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than
$10 million in property presumed abandoned on the holder’s most recent report of abandoned property made pursuant to NRS 120A.560.

Sec. 8. NRS 120A.530 is hereby amended to read as follows:

120A.530 1. Except as otherwise provided in this chapter or by other statute of this State, property that is presumed abandoned, whether located in this or another state, is subject to the custody of this State if:

(a) The last known address of the apparent owner, as shown on the records of the holder, is in this State;

(b) The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this State;

(c) The records of the holder do not reflect the last known address of the apparent owner and it is established that:

1. The last known address of the person entitled to the property is in this State; or

2. The holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;

3. The last known address of the apparent owner, as shown on the records of the holder, is in a state that does not provide for the escheat or custodial taking of the property and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;

4. The last known address of the apparent owner, as shown on the records of the holder, is in a foreign country and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;

5. The transaction out of which the property arose occurred in this State, the holder is domiciled in a state that does not provide for the escheat or custodial taking of the property and the last known address of the apparent owner or other person entitled to the property is unknown or is in a state that does not provide for the escheat or custodial taking of the property; or

6. The property is a traveler’s check or money order purchased in this State or the issuer of the traveler’s check or money order has its principal place of business in this State and the issuer’s records show that the instrument was purchased in a state that does not provide for the escheat or custodial taking of the property or do not show the state in which the instrument was purchased.

2. For the purposes of this section:

(a) If a holder’s state of domicile has changed since the time the property was presumed abandoned, the holder’s state of domicile is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned.
(b) The last known address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined pursuant to this section.

(c) The address of the owner of property where ownership vests in a beneficiary upon the death of the owner, other than property described in paragraph (b), is presumed to be the address of the deceased owner if the address of the beneficiary is not known by the holder and cannot be determined pursuant to this section.

(d) Except as otherwise provided in paragraph (e), if the records of a holder reflect multiple addresses for an apparent owner and this State is the state of the most recently recorded address, this State may take custody of the property presumed abandoned, whether located in this State or another state.

(e) If it appears from the records of a holder that the most recently recorded address of the apparent owner is a temporary address and this State is the state of the next most recently recorded address that is not a temporary address, this State may take custody of the property presumed abandoned.

Sec. 9. NRS 120A.570 is hereby amended to read as follows:

120A.570 1. Except for property held in a safe-deposit box or other safekeeping depository, upon filing the report required by NRS 120A.560, the holder of property presumed abandoned shall pay, deliver or cause to be paid or delivered to the Administrator the property described in the report as unclaimed, but if the property is an automatically renewable deposit, and a penalty or forfeiture in the payment of interest would result, the time for compliance is extended until a penalty or forfeiture would no longer result. Tangible property held in a safe-deposit box or other safekeeping depository [may not] must be delivered to the Administrator [until] within 60 days after filing the report required by NRS 120A.560.

2. If the property reported to the Administrator is a security or security entitlement under NRS 104.8101 to 104.8511, inclusive, the Administrator is an appropriate person to make an endorsement, instruction or entitlement order on behalf of the apparent owner to invoke the duty of the issuer or its transfer agent or the securities intermediary to transfer or dispose of the security or the security entitlement in accordance with NRS 104.8101 to 104.8511, inclusive.

3. If the holder of property reported to the Administrator is the issuer of a certificated security, the Administrator has the right to obtain a replacement certificate pursuant to NRS 104.8405, but an indemnity bond is not required.

4. An issuer, the holder and any transfer agent or other person acting pursuant to the instructions of and on behalf of the issuer or holder in accordance with this section is not liable to the apparent owner and must be indemnified against claims of any person in accordance with NRS 120A.590.

Sec. 9.5. NRS 120A.590 is hereby amended to read as follows:
120A.590  1. For the purposes of this section, payment or delivery is made in “good faith” if:
   (a) Payment or delivery was made in a reasonable attempt to comply with this chapter;
   (b) The holder was not then in breach of a fiduciary obligation with respect to the property and had a reasonable basis for believing, based on the facts then known, that the property was presumed abandoned; and
   (c) There is no showing that the records under which the payment or delivery was made did not meet reasonable commercial standards of practice.
2. Upon payment or delivery of property to the Administrator, the State assumes custody and responsibility for the safekeeping of the property. A holder who pays or delivers property to the Administrator in good faith is relieved of all liability arising thereafter with respect to the property.
3. A holder who has paid money to the Administrator pursuant to this chapter may subsequently file a claim for reimbursement from the Administrator of the amount paid if the holder:
   (a) Paid the money in error; or
   (b) After paying the money to the Administrator, paid money to a person who the holder reasonably believed to be entitled to payment. (Upon a filing by the holder of proof of payment and proof that the payee was entitled to the payment, the Administrator shall promptly reimburse the holder for the payment without imposing a fee or other charge.)
4. If a claim for reimbursement pursuant to this section is filed for a payment made on a negotiable instrument, including a traveler’s check, money order, or similar instrument, the holder must submit proof that the instrument was duly presented and that payment was made to a person who the holder reasonably believed to be entitled to payment. The holder may claim reimbursement even if the payment was made to a person whose claim was made after the expiration of a period of limitation on the owner’s right to receive or recover property, whether specified by contract, statute or court order.
5. A holder who has delivered property other than money to the Administrator pursuant to this chapter may file a claim for return of the property from the Administrator if:
   (a) The holder delivered the property in error; or
   (b) The apparent owner has claimed the property from the holder.
6. If a claim for return of property pursuant to subsection 5 is filed, the holder must include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the Administrator in error.
7. The Administrator may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property pursuant to this section.
8. A holder is not required to pay a fee or other charge for reimbursement or return of property pursuant to this section.

9. A holder otherwise entitled to reimbursement must be reimbursed for payment made even if the payment was made to a person whose claim was barred under subsection 1 of NRS 120A.680.

10. A holder who has delivered property other than money to the Administrator pursuant to this chapter may reclaim the property if it is still in the possession of the Administrator, without paying any fee or other charge, upon filing proof that the apparent owner has claimed the property from the holder.

11. The Administrator may accept a holder’s affidavit as sufficient proof of the holder’s right to recover money and property under this section.

12. If a holder pays or delivers property to the Administrator in good faith and thereafter another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the Administrator, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim resulting from payment or delivery of the property to the Administrator.

13. Property removed from a safe-deposit box or other safekeeping depository is received by the Administrator subject to the holder’s right to be reimbursed for the cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The Administrator shall reimburse the holder out of the proceeds remaining after deducting the expense incurred by the Administrator in selling the property.

Sec. 10. NRS 120A.630 is hereby amended to read as follows:

120A.630 1. After property has been paid or delivered to the Administrator under this chapter, another state may recover the property if:

(a) The property was paid or delivered to the custody of this State because the records of the holder did not reflect a last known location of the apparent owner within the borders of the other state and the other state establishes that the apparent owner or other person entitled to the property was last known to be located within the borders of that state and under the laws of that state the property has escheated or become subject to a claim of abandonment by that state;

(b) The property was paid or delivered to the custody of this State because the laws of the other state did not provide for the escheat or custodial taking of the property and under the laws of that state subsequently enacted the property has escheated or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately identify the owner of the property and the last known location of the owner within the borders of another state and under the laws of that state the property has escheated or become subject to a claim of abandonment by that state;
(d) The property was subjected to custody by this State under paragraph (f) of subsection [6] 1 of NRS 120A.530, and under the laws of the state of domicile of the holder the property has escheated or become subject to a claim of abandonment by that state; or

(e) The property is a sum payable on a traveler’s check, money order or similar instrument that was purchased in the other state and delivered into the custody of this State under paragraph (g) of subsection [7] 1 of NRS 120A.530, and under the laws of the other state the property has escheated or become subject to a claim of abandonment by that state.

2. A claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the Administrator, who shall decide the claim within 90 days after it is presented. The Administrator shall allow the claim upon determining that the other state is entitled to the abandoned property under subsection 1.

3. The Administrator shall require another state, before recovering property under this section, to agree to indemnify this State and its officers and employees against any liability on a claim to the property.

Sec. 11. NRS 120A.640 is hereby amended to read as follows:

120A.640 1. A person, excluding another state, claiming property paid or delivered to the Administrator may file a claim on a form prescribed by the Administrator and verified by the claimant.

2. Within 90 days after a claim is filed, the Administrator shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Administrator shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Administrator or maintain an action under NRS 120A.650.

3. Except as otherwise provided in subsection 5, within 30 days after a claim is allowed, the property or the net proceeds of a sale of the property must be delivered or paid by the Administrator to the claimant, together with any dividend, interest or other increment to which the claimant is entitled under NRS 120A.600 and 120A.610.

4. A holder who pays the owner for property that has been delivered to the State and which, if claimed from the Administrator by the owner would be subject to an increment under NRS 120A.600 and 120A.610 may recover from the Administrator the amount of the increment.

5. The Administrator shall require a person with a claim in excess of $2,000 to furnish a bond and indemnify the State against any loss resulting from the approval of such claim if the claim is based upon an original instrument, including, without limitation, a certified check or a stock certificate or other proof of ownership of securities, which cannot be furnished by the person with the claim.
6. Property held under this chapter by the Administrator is subject to a claim for the payment of a debt which the Administrator determines to be enforceable and which the owner owes in this State for:
   (a) Support of a child, including, without limitation, any related collection costs and any amounts which may be combined with maintenance for a former spouse;
   (b) A civil or criminal fine or penalty, court costs or a surcharge or restitution imposed by a final order of an administrative agency or a final judgment of a court; or
   (c) A state or local tax, and any related penalty and interest.
7. The Administrator may require a person who files a claim on behalf of an estate to furnish evidence that the claimant has been contacted by, or is otherwise working on behalf of, a person with an interest in the estate, including, without limitation, an heir or a creditor. Failure to provide such evidence is grounds for denial of the claim.
8. A claim filed with the Administrator pursuant to this section, and any correspondence or other documents generated in connection with such a claim in the possession of the Administrator, is confidential and not a public record, but may be:
   (a) Used by the Administrator in any manner to carry out his or her duties under this chapter; or
   (b) Produced pursuant to a subpoena or court order.
Sec. 12. NRS 120A.660 is hereby amended to read as follows:
120A.660 1. The Administrator may decline to receive property reported under this chapter which the Administrator considers to have a value less than the expenses of notice and sale.
2. A holder, with the written consent of the Administrator and upon conditions and terms prescribed by the Administrator, may report and deliver property before the property is presumed abandoned. [Property so delivered must be held by the Administrator and is not presumed abandoned until it otherwise would be presumed abandoned under this chapter.]
Sec. 13. NRS 120A.690 is hereby amended to read as follows:
120A.690 1. The Administrator may require a person who has not filed a report, or a person who the Administrator believes has filed an inaccurate, incomplete or false report, to file a verified report in a form specified by the Administrator. The report must state whether the person is holding property reportable under this chapter, describe property not previously reported or as to which the Administrator has made inquiry, and specifically identify and state the amounts of property that may be in issue.
2. The Administrator, at reasonable times and upon a good faith effort to provide reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The Administrator may conduct the examination even if the person believes he or she is not in possession of any property that must be reported, paid or delivered under this
chapter. The Administrator may contract with any other person to conduct the examination on behalf of the Administrator.

3. The Administrator at reasonable times may examine the records of an agent, including a dividend disbursing agent or transfer agent, of a business association or financial organization that is the holder of property presumed abandoned if the Administrator has made the good faith effort to provide notice required by subsection 2 to both the association or organization and the agent at least 90 days before the examination.

4. Documents and working papers obtained or compiled by the Administrator, or the Administrator’s agents, employees or designated representatives, in the course of conducting an examination are confidential and are not public records, but the documents and papers may be:
   (a) Used by the Administrator in the course of an action to collect unclaimed property or otherwise enforce this chapter;
   (b) Used in joint examinations conducted with or pursuant to an agreement with another state, the Federal Government or any other governmental subdivision, agency or instrumentality;
   (c) Produced pursuant to subpoena or court order; or
   (d) Disclosed to the abandoned property office of another state for that state’s use in circumstances equivalent to those described in this subdivision, if the other state is bound to keep the documents and papers confidential.

5. If an examination of the records of a person results in the disclosure of property reportable under this chapter, the Administrator may assess the cost of the examination against the holder at the rate of $200 a day for each examiner or a greater amount that is reasonable and was incurred, but the assessment may not exceed the value of the property found to be reportable. The cost of an examination made pursuant to subsection 3 may be assessed only against the business association or financial organization.

6. If, after October 1, 2007, a holder does not maintain the records required by NRS 120A.700 and the records of the holder available for the periods subject to this chapter are insufficient to permit the preparation of a report, the Administrator may require the holder to report and pay to the Administrator the amount the Administrator reasonably estimates, on the basis of any available records of the holder or by any other reasonable method of estimation, should have been but was not reported.

7. The Administrator, at reasonable times and upon a good faith effort to provide reasonable notice, may require a holder to furnish copies of records in an industry standard format, including, without limitation, an electronic format, for examination as described in this section.

8. The Administrator may issue an administrative subpoena requiring a person or an agent of the person to make records available for examination, and bring an action seeking judicial enforcement of the subpoena, if necessary for the enforcement of this section.
Sec. 14. NRS 120A.700 is hereby amended to read as follows:

120A.700 1. Except as otherwise provided in subsection 2, a holder required to file a report under NRS 120A.560 shall maintain the records containing the information required to be included in the report, and any records upon which the person wishes to rely for excluding information from the report, for 7 years after the holder files the report, unless a shorter period is provided by regulation of the Administrator.

2. A business association or financial organization that sells, issues or provides to others for sale or issue in this State, traveler’s checks, money orders or similar instruments other than third-party bank checks, on which the business association or financial organization is directly liable, shall maintain a record of the instruments while they remain outstanding, indicating the State and date of issue, for 3 years after the holder files the report.

Sec. 15. NRS 120A.715 is hereby amended to read as follows:

120A.715 In order to facilitate the return of property under this chapter, the Administrator may enter into cooperative agreements with an agency from this State concerning the protection of shared confidential information, rules for data matching and other issues. Upon the execution of such an agreement, the Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners of unclaimed or abandoned property pursuant to this chapter, including, without limitation, the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of the last known address of each apparent owner for which information was provided to the agency pursuant to this section, except as prohibited by federal law.

2. The Administrator may adopt regulations to facilitate delivery of property or pay the amount owing to an apparent owner matched under this section without filing a claim. Such regulations must set forth the conditions for such payment.

Sec. 16. NRS 120A.740 is hereby amended to read as follows:

120A.740 1. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Administrator. This subsection does not apply to an owner’s agreement with an attorney to file a claim as to identified property or contest the Administrator’s denial of a claim.

2. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement is:

(a) In writing;
(b) Clearly sets forth the nature of the property and the services to be rendered;
(c) Sets forth the date on which the property was paid or delivered to the Administrator;
(d) Sets forth a statement of the provisions of this section;
(e) Is signed by the apparent owner;
(f) States the value of the property before and after the fee or other compensation has been deducted.

3. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

4. An agreement covered by this section must not provide for compensation that is more than [10]:
   (a) If the property that is the subject of the agreement was paid or delivered to the Administrator less than 5 years before the signing of the agreement, 10 percent of the total value of the property.
   (b) If the property that is the subject of the agreement was paid or delivered to the Administrator 5 years or more before the signing of the agreement, 20 percent of the total value of the property.

5. An agreement that provides for compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed the applicable percentage set forth in subsection 4 of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

6. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than noncompliance with the provisions of this section.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in
this subsection requires a governmental entity to provide a copy of a public
record in an electronic format or by means of an electronic medium if:
   (a) The public record:
      (1) Was not created or prepared in an electronic format; and
      (2) Is not available in an electronic format; or
   (b) Providing the public record in an electronic format or by means of an
electronic medium would:
      (1) Give access to proprietary software; or
      (2) Require the production of information that is confidential and that
cannot be redacted, deleted, concealed or separated from information that is
not otherwise confidential.
5. An officer, employee or agent of a governmental entity who has legal
custody or control of a public record:
   (a) Shall not refuse to provide a copy of that public record in the medium
that is requested because the officer, employee or agent has already prepared
or would prefer to provide the copy in a different medium.
   (b) Except as otherwise provided in NRS 239.030, shall, upon request,
prepare the copy of the public record and shall not require the person who has
requested the copy to prepare the copy himself or herself.
Senator Scheible moved the adoption of the amendment.
Remarks by Senator Scheible.
(To be entered at a later date.)
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 95.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 28.
SUMMARY—Revises provisions relating to business entities.
(BDR 7-493)
AN ACT relating to business entities; revising provisions relating to service
of process on management persons; making various changes to definitions
relating to corporations; authorizing a corporation to include a federal forum
selection clause in its articles of incorporation or bylaws; revising provisions
relating to the breach of a fiduciary duty by a director or officer of a
corporation; making various changes relating to meetings of stockholders held
by means of remote communication; revising provisions relating to voting
agreements of stockholders; revising provisions relating to notice of meetings
of stockholders; revising provisions relating to insolvent corporations; revising
provisions relating to discretionary indemnification of directors, officers,
employees and agents of corporations; providing an exception to the
requirement that a corporation issue a certificate of membership; establishing
and revising provisions relating to distributions made by limited-liability
companies; revising provisions relating to the form of contributions to capital of members of a limited-liability company or series; making various changes relating to the standard of voting for actions taken by corporations, limited partnerships and limited-liability companies; revising provisions relating to dissenter’s rights; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes various provisions relating to business entities, including private corporations and limited-liability companies. (Chapters 78 and 86 of NRS) This bill revises certain provisions relating to business entities and makes certain other changes generally relating to business entities.

Section 1 of this bill removes the requirement that a clerk of the court mail to certain management persons of a business entity true and attested copies of the process served on the registered agent of the entity, and instead requires that the party serving the registered agent mail to such management persons a copy of any document served upon the registered agent.

Section 38 of this bill repeals the selectively applicable definitions of “market value,” “publicly traded corporation,” “resident domestic corporation” and “Securities Exchange Act,” respectively, and replaces the definitions in section 2 of this bill in order to expand the applicability of such definitions to the entirety of chapter 78 of NRS. Sections 3, 7 and 8 of this bill make conforming changes related to the definition of the “Securities Exchange Act.”

Section 4 of this bill authorizes a corporation to include a federal forum selection clause in its articles of incorporation or bylaws under certain circumstances.

Section 5 of this bill expressly provides that the directors and officers of a corporation may consider one or more facts, circumstances, contingencies or constituencies when exercising their respective powers.

Section 6 of this bill revises the definition of “distribution,” as it relates to distributions made by corporations, by delineating that the term applies to all holders of shares of any one or more classes or series of the capital stock of the corporation. Sections 9 and 10 of this bill make conforming changes related to distributions made by corporations.

Section 11 of this bill authorizes a meeting of stockholders to be held solely by means of remote communication unless otherwise prescribed by the board of directors. Section 11 also provides that, in addition to the stockholders, the corporation may authorize certain other persons to attend the remote meeting. Moreover, section 11 provides that the corporation must implement measures to verify the identity of the authorized permitted persons.

Section 12 of this bill provides that the record date for a meeting of stockholders of the corporation: (1) must be fixed through a resolution adopted by the board of directors; and (2) must not precede the day on
which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

Section 12 also provides that the date upon which the stockholders of record are entitled to give written consent for certain actions taken by the corporation must not precede the [date] day on which the resolution fixing such a date is adopted by the board of directors, regardless of the effective date of the resolution.

Section 13 of this bill: (1) establishes provisions concerning the validity and enforceability of certain voting agreements; and (2) revises provisions relating to the limitation on the duration of certain voting agreements.

Section 14 of this bill revises the form of notice for meetings of stockholders by requiring the notice to include the following information: (1) the date of the meeting; (2) if the meeting is to be held by means of remote communication, the form of the remote communication; and (3) if the meeting is not going to be held solely by means of remote communication, the physical location of the meeting. Section 14 additionally applies these changes to the form of notice required for adjourned meetings of stockholders.

Section 14 also: (1) revises provisions related to notice by publication; and (2) establishes provisions authorizing certain publicly traded corporations to provide notice by proxy statement under certain circumstances.

Section 14.5 of this bill expressly provides that whenever a corporation is insolvent and in certain other circumstances, any creditors holding at least 10 percent of the outstanding indebtedness, or stockholders owning at least 10 percent of the outstanding stock entitled to vote, may petition a district court for a writ of injunction and the appointment of receivers or trustees.

Section 15 of this bill expands the circumstances by which a corporation may discretionally indemnify a person who is or was a party to an action, or threatened to be made a party to an action, by authorizing the corporation to indemnify any such person who is or was serving at the request of the corporation as a manager of another corporation or business entity, a limited-liability company.

Section 16 of this bill provides exception for corporations that are associations or unit-owners’ associations from the requirement that corporations issue a certificate of membership to any person who becomes a member of the corporation.

Section 19 of this bill defines the term “distribution” for the purposes of section 21 of this bill concerning noneconomic members of limited-liability companies and sections 23 and 24 of this bill relating to the circumstances by which a limited-liability company is authorized to or prohibited from making distributions and certain other provisions of law relating to limited-liability companies.

Sections 22 and 25-27 of this bill require that a vote of approval for certain actions taken by a limited-liability company be determined by a specified proportion “in interest” of the members, as defined by section 18 of this bill.
Section 38 makes a conforming change by repealing the definitions of the term “majority in interest.” Section 20 of this bill makes a conforming change relating to the placement of section 18 in the Nevada Revised Statutes.

Section 22.5 of this bill provides that the provisions concerning the form of contributions to capital of a member of a limited-liability company or a series apply to the entirety of chapter 86 of NRS.

Section 32 of this bill provides the circumstances under which a vote of the stockholders of a domestic corporation is not required to authorize a merger in which the corporation is a constituent entity.

Section 33 of this bill provides that a plan of merger, conversion or exchange involving a domestic limited partnership must be approved, in relevant part, by a majority of the total contributions of the limited partners.

Section 34 of this bill provides that a plan of merger, conversion or exchange involving a domestic limited-liability company must be approved by: (1) a majority of the total contributions of the members, if there is one class of members; or (2) a majority of the total contributions of each class of members, if there are two or more classes of members.

Section 35 of this bill revises the applicability of the limitations on dissenter’s rights. Section 36 of this bill makes various changes related to the notification of stockholders concerning corporate actions creating dissenter’s rights, including, without limitation, authorizing a domestic corporation to send an advance notice statement to the stockholders if a proposed corporate action creating dissenter’s rights is submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders.

Section 37 of this bill makes various changes to provisions related to the prerequisites for a demand by a stockholder for payment of the shares of the stockholder, including requiring such a stockholder to file a statement of intent under certain circumstances.

Sections 29 and 30 of this bill define the terms “advance notice statement” and “statement of intent,” respectively. Section 31 of this bill makes conforming changes related to the placement of the definitions in the Nevada Revised Statutes.

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

Section 1. NRS 75.160 is hereby amended to read as follows:

75.160 1. Every nonresident of this State who, on or after October 1, 2013, accepts election or appointment, including reelection or reappointment, as a management person of an entity, or who, on or after October 1, 2014, serves in such capacity, and every resident of this State who accepts election or appointment or serves in such capacity and thereafter removes residence from this State shall be deemed, by the acceptance or by the service, to have consented to the appointment of the registered agent of the entity as an agent
up upon whom service of process may be made in all civil actions or proceedings brought in this State by, on behalf of or against the entity in which the management person is a necessary or proper party, or in any action or proceeding against the management person for a violation of a duty in such capacity, whether or not the person continues to serve as the management person at the time the action or proceeding is commenced. The acceptance or the service by the management person shall be deemed to be signification of the consent of the management person that any process so served has the same legal force and validity as if served upon the management person within this State.

2. Service of process must be effected by serving the registered agent with a true copy in the manner provided by law for service of process. In addition, the party serving the registered agent shall, within 7 days after such service, send by registered or certified mail, postage prepaid, copies of the documents served upon the registered agent, together with a statement that service is being made pursuant to this section, addressed to the management person at the address as it appears on the records of the Secretary of State, or if no such address appears, at the address last known to the party desiring to make the service.

3. The appointment of the registered agent is irrevocable. If any entity or management person fails to appoint a registered agent, or fails to file a statement of change of registered agent pursuant to NRS 77.340 before the effective date of a vacancy in the agency pursuant to NRS 77.330 or 77.370, on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, or if the street address of the registered agent of the entity is not staffed as required pursuant to NRS 14.020, which fact is to be made part of the return of service, the management person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the Secretary of State or, in the absence of the Secretary of State, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:

(a) Include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included.

(b) Be accompanied by a fee of $10.

The Secretary of State shall keep a copy of the legal process received pursuant to this section in the Office of the Secretary of State for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.

4. In all cases of service pursuant to subsection 3, the defendant has 40 days, exclusive of the day of service, within which to answer or plead. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has
been used to ascertain the whereabouts of the management person to be served, and the facts showing that direct or personal service on, or notice to, the management person cannot be made.

5. If it appears from the affidavit that there is a last known address of the management person, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the management person at such address, by registered or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.

6. Service pursuant to subsection 3 provides an additional manner of serving process, and does not affect the validity of any other valid service.

7. In any action in which any management person has been served with process pursuant to subsection 2, the time in which a defendant is required to appear and file a responsive pleading must be computed from the date of mailing by the [clerk of the court.] serving party. The court may grant an extension of time as may be necessary to afford the management person reasonable opportunity to defend the action.

8. In a charter or other writing, a management person or owner of any entity may consent to be subject to the nonexclusive jurisdiction of the courts of, or arbitration in, a specified jurisdiction, or the exclusive jurisdiction of the courts of this State, or the exclusivity of arbitration in a specified jurisdiction or this State, and to be served with process in the manner prescribed in the charter or other writing. Notwithstanding any other provision of this subsection, except by agreeing to arbitrate any arbitrable matter in a specified jurisdiction or in this State, an owner of an entity who is not a management person may not waive its right to maintain a legal action or proceeding in the courts of this State with respect to matters relating to the organization or internal affairs of an entity. Without limiting or affecting the enforceability under the laws of this State governing corporations of any consent or agreement by a management person or stockholder of a corporation, this subsection does not apply to an entity which is a corporation.

9. This section does not limit or affect the right to serve process in any other manner now existing or hereafter enacted. This section is an extension of, and not a limitation upon, the right otherwise existing of service of legal process upon nonresidents.

10. As used in this section:
   (a) “Charter” means the articles of organization or an operating agreement of a limited-liability company, the certificate of limited partnership or partnership agreement of a limited partnership or the certificate of trust or governing instrument of a business trust.
   (b) “Entity” means a domestic:
      (1) Corporation, whether or not for profit;
      (2) Limited-liability company;
      (3) Limited partnership; or
(4) Business trust.
(c) “Management person” means a director, officer, manager, managing member, general partner or trustee of an entity.
(d) “Owner” means a member of a limited-liability company, limited partner of a limited partnership or beneficial owner of a business trust.
(e) “Registered agent” has the meaning ascribed to it in NRS 77.230.
Sec. 2. NRS 78.010 is hereby amended to read as follows:
78.010 1. As used in this chapter:
(a) “Approval” and “vote” as describing action by the directors or stockholders mean the vote of directors in person or by written consent or of stockholders in person, by proxy or by written consent.
(b) “Articles,” “articles of incorporation” and “certificate of incorporation” are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.180, 78.185, 78.1955, 78.209, 78.380, 78.385, 78.390, 78.725 and 78.730 and any articles of merger, conversion, exchange or domestication filed pursuant to NRS 92A.200 to 92A.240, inclusive, or 92A.270. Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.
(c) “Directors” and “trustees” are synonymous terms.
(d) “Entity” means a foreign or domestic:
(1) Corporation, whether or not for profit;
(2) Limited-liability company;
(3) Limited partnership; or
(4) Business trust.
(e) “Market value” when used in reference to the shares or property of any resident domestic corporation, means:
(1) In the case of shares, the highest closing sale price of a share during the 30 calendar days immediately preceding the date in question on the principal United States securities exchange registered under the Securities Exchange Act on which the shares are listed, or, if the shares are not listed on any such exchange, the fair market value on the date in question of a share as determined by the board of directors of the resident domestic corporation in good faith.
(2) In the case of property other than cash or shares, the fair market value of the property on the date in question as determined by the board of directors of the resident domestic corporation in good faith.
(f) “Publicly traded corporation” means a domestic corporation that has a class or series of voting shares which is:
(1) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended; or
(2) Traded in an organized market and that has at least 2,000 stockholders and a market value of at least $20,000,000, exclusive of the value of such shares held by the corporation’s subsidiaries, senior executives,
directors and beneficial stockholders owning more than 10 percent of such shares.

(g) “Principal office” means the office, in or out of this State, where the principal executive offices of a domestic or foreign corporation are located.

(h) “Receiver” includes receivers and trustees appointed by a court as provided in this chapter or in chapter 32 of NRS.

(i) “Registered agent” has the meaning ascribed to it in NRS 77.230.

(j) “Registered office” means the office maintained at the street address of the registered agent.

(k) “Resident domestic corporation” means a domestic corporation that has 200 or more stockholders of record. A resident domestic corporation does not cease to be a resident domestic corporation by reason of events occurring or actions taken while the resident domestic corporation is subject to NRS 78.411 to 78.444, inclusive.


(m) “Stockholder of record” means a person whose name appears on the stock ledger of the corporation as the owner of record of shares of any class or series of the stock of the corporation. The term does not include a beneficial owner of shares who is not simultaneously the owner of record of such shares as indicated in the stock ledger.

2. General terms and powers given in this chapter are not restricted by the use of special terms, or by any grant of special powers contained in this chapter.

3. As used in this section:

(a) “Share” has the meaning ascribed to it in NRS 78.429.

(b) “Subsidiary” has the meaning ascribed to it in NRS 78.431.

(c) “Voting shares” has the meaning ascribed to it in NRS 78.432.

Sec. 3. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word “bank” or “trust,” unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association, savings bank or thrift company; and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of
Insurance or by the Commissioner of Financial Institutions, unless the articles
or certificate of amendment is approved by the Commissioner who will
supervise the business of the corporation.

3. Except as otherwise provided in subsection 7, the Secretary of State
shall not accept for filing any articles of incorporation or any certificate of
amendment of articles of incorporation of any corporation formed pursuant to
the laws of this State if the name of the corporation contains the words
“engineer,” “engineered,” “engineering,” “professional engineer,” “registered
engineer” or “licensed engineer” unless:
(a) The State Board of Professional Engineers and Land Surveyors certifies
that the principals of the corporation are licensed to practice engineering
pursuant to the laws of this State; or
(b) The State Board of Professional Engineers and Land Surveyors certifies
that the corporation is exempt from the prohibitions of NRS 625.520.

4. Except as otherwise provided in subsection 7, the Secretary of State
shall not accept for filing any articles of incorporation or any certificate of
amendment of articles of incorporation of any corporation formed pursuant to
the laws of this State if the name of the corporation contains the words
“architect,” “architecture,” “registered architect,” “licensed architect,”
“registered interior designer,” “registered interior design,” “residential
designer,” “registered residential designer,” “licensed residential designer” or
“residential design” unless the State Board of Architecture, Interior Design and
Residential Design certifies that:
(a) The principals of the corporation are holders of a certificate of
registration to practice architecture or residential design or to practice as a
registered interior designer, as applicable, pursuant to the laws of this State; or
(b) The corporation is qualified to do business in this State pursuant to
NRS 623.349.

5. The Secretary of State shall not accept for filing any articles of
incorporation or any certificate of amendment of articles of incorporation of
any corporation formed pursuant to the laws of this State which provides that
the name of the corporation contains the word “accountant,” “accounting,”
“accountancy,” “auditor” or “auditing” unless the Nevada State Board of
Accountancy certifies that the corporation:
(a) Is registered pursuant to the provisions of chapter 628 of NRS; or
(b) Has filed with the Nevada State Board of Accountancy under penalty of
perjury a written statement that the corporation is not engaged in the practice
do business in this State pursuant to
NRS 623.349.

6. The Secretary of State shall not accept for filing any articles of
incorporation or any certificate of amendment of articles of incorporation of
any corporation formed or existing pursuant to the laws of this State which
provides that the name of the corporation contains the words “common-interest
community,” “community association,” “master association,” “unit-owners’
association” or “homeowners’ association” or if it appears in the articles of
incorporation or certificate of amendment that the purpose of the corporation
is to operate as a unit-owners’ association pursuant to chapter 116 or 116B of
NRS unless the Administrator of the Real Estate Division of the Department
of Business and Industry certifies that the corporation has:
(a) Registered with the Ombudsman for Owners in Common-Interest
Communities and Condominium Hotels pursuant to NRS 116.31158 or
116B.625; and
(b) Paid to the Administrator of the Real Estate Division the fees required
pursuant to NRS 116.31155 or 116B.620.
7. The provisions of subsections 3 and 4 do not apply to any corporation,
whose securities are publicly traded and regulated by the Securities Exchange
Act, which does not engage in the practice of professional
engineering, architecture or residential design or interior design, as applicable.
8. The Commissioner of Financial Institutions and the Commissioner of
Insurance may approve or disapprove the articles or amendments referred to
them pursuant to the provisions of this section.
Sec. 4. NRS 78.046 is hereby amended to read as follows:
78.046 1. The articles of incorporation or bylaws of a corpo-
rated may require, to the extent not inconsistent with any applicable jurisdic-
tional requirements and the laws of the United States, that any, all or certain
(a) Concurrent jurisdiction actions must be brought solely or exclusively in
the court or courts specified in the requirement; and
(b) Internal actions must be brought solely or exclusively in the court or
courts specified in the requirement, which must include at least one court in
this State.
2. Unless otherwise expressly set forth in the articles of incorporation or
bylaws, any requirement described in subsection 1 must not be
interpreted as prohibiting any corporation from consenting, or requiring any
 corporation to consent, to any alternative forum in any instance.
3. The provisions of this section do not create or authorize any cause
of action against a corporation or its directors or officers.
4. As used in this section:
(a) “Concurrent jurisdiction action” means any action, suit or proceeding
against the corporation or any of its directors or officers, that:
(1) Asserts a cause of action under the laws of the United States;
(2) Could be properly commenced in either a federal forum or a forum
of this State or any other state; and
(3) Is brought by or in the name or on behalf of:
(I) The corporation;
(II) Any stockholder of the corporation; or
(III) Any subscriber for, or purchaser or offeree of, any shares or other
securities of the corporation.
(b) “Court” means any court of:
(1) This State, including, without limitation, those courts in any county having a business court, as that term is defined in NRS 13.050;
(2) A state other than this State; or
(3) The United States.

(b) "Internal action" means any action, suit or proceeding:
(1) Brought in the name or right of the corporation or on its behalf, including, without limitation, any action subject to NRS 41.520;
(2) For or based upon any breach of any fiduciary duty owed by any director, officer, employee or agent of the corporation in such capacity; or
(3) Arising pursuant to, or to interpret, apply, enforce or determine the validity of, any provision of this title, the articles of incorporation, the bylaws or any agreement entered into pursuant to NRS 78.365 to which the corporation is a party or a stated beneficiary thereof.

Sec. 5. NRS 78.138 is hereby amended to read as follows:
78.138 1. The fiduciary duties of directors and officers are to exercise their respective powers in good faith and with a view to the interests of the corporation.
2. In exercising their respective powers, directors and officers may, and are entitled to, rely on information, opinions, reports, books of account or statements, including financial statements and other financial data, that are prepared or presented by:
   (a) One or more directors, officers or employees of the corporation reasonably believed to be reliable and competent in the matters prepared or presented;
   (b) Counsel, public accountants, financial advisers, valuation advisers, investment bankers or other persons as to matters reasonably believed to be within the preparer’s or presenter’s professional or expert competence; or
   (c) A committee on which the director or officer relying thereon does not serve, established in accordance with NRS 78.125, as to matters within the committee’s designated authority and matters on which the committee is reasonably believed to merit confidence,
but a director or officer is not entitled to rely on such information, opinions, reports, books of account or statements if the director or officer has knowledge concerning the matter in question that would cause reliance thereon to be unwarranted.
3. Except as otherwise provided in subsection 1 of NRS 78.139, directors and officers, in deciding upon matters of business, are presumed to act in good faith, on an informed basis and with a view to the interests of the corporation. A director or officer is not individually liable for damages as a result of an act or failure to act in his or her capacity as a director or officer except as described in subsection 7.
4. Directors and officers, in exercising their respective powers with a view to the interests of the corporation, may:
(a) Consider all relevant facts, circumstances, contingencies or constituencies, which may include, without limitation, one or more of the following:

(1) The interests of the corporation’s employees, suppliers, creditors or customers;
(2) The economy of the State or Nation;
(3) The interests of the community or of society;
(4) The long-term or short-term interests of the corporation, including the possibility that these interests may be best served by the continued independence of the corporation; or
(5) The long-term or short-term interests of the corporation’s stockholders, including the possibility that these interests may be best served by the continued independence of the corporation.

(b) Consider or assign weight to the interests of any particular person or group, or to any other relevant facts, circumstances, contingencies or constituencies.

5. Directors and officers are not required to consider, as a dominant factor, the effect of a proposed corporate action upon any particular group or constituency having an interest in the corporation.

6. The provisions of subsections 4 and 5 do not create or authorize any causes of action against the corporation or its directors or officers.

7. Except as otherwise provided in NRS 35.230, 90.660, 91.250, 452.200, 452.270, 668.045 and 694A.030, or unless the articles of incorporation or an amendment thereto, in each case filed on or after October 1, 2003, provide for greater individual liability, a director or officer is not individually liable to the corporation or its stockholders or creditors for any damages as a result of any act or failure to act in his or her capacity as a director or officer unless:

(a) The presumption established by subsection 3 has been rebutted; and
(b) It is proven that:

(1) The director’s or officer’s act or failure to act constituted a breach of his or her fiduciary duties as a director or officer; and
(2) Such breach involved intentional misconduct, fraud or a knowing violation of law.

8. This section applies to all cases, circumstances and matters, including, without limitation, any change or potential change in control of the corporation unless otherwise provided in the articles of incorporation or an amendment thereto.

Sec. 6. NRS 78.191 is hereby amended to read as follows:

78.191 As used in NRS 78.191 to 78.307, inclusive, unless the context otherwise requires, the word “distribution” means a direct or indirect transfer of money or other property, other than its own shares or the incurrence of indebtedness by a corporation, to or for the benefit of all holders of shares of any one or more classes or series of the capital stock of the corporation, with respect to any of its such shares. A distribution may
be in the form of a declaration or payment of a dividend, a purchase, redemption or other acquisition of shares, a distribution of indebtedness, or otherwise.

Sec. 7. NRS 78.257 is hereby amended to read as follows:

78.257 1. Any person who has been a stockholder of record of any corporation and owns not less than 15 percent of all of the issued and outstanding shares of the stock of such corporation or has been authorized in writing by the holders of at least 15 percent of all its issued and outstanding shares, upon at least 5 days’ written demand, including the affidavit required pursuant to subsection 2, is entitled to inspect in person or by agent or attorney, during normal business hours, the books of account and all financial records of the corporation, to make copies of records, and to conduct an audit of such records. Holders of voting trust certificates representing 15 percent of the issued and outstanding shares of the corporation are regarded as stockholders for the purpose of this subsection. The right of stockholders to inspect the corporate records may not be limited in the articles or bylaws of any corporation.

2. Together with the written demand required pursuant to subsection 1, a person who wishes to exercise the rights set forth in subsection 1 shall furnish an affidavit to the corporation stating that the inspection, copies or audit is not desired for any purpose not related to his or her interest as a stockholder.

3. All costs for making copies of records or conducting an audit must be borne by the person exercising the rights set forth in subsection 1.

4. The rights authorized by subsection 1 may be denied to any stockholder upon the stockholder’s refusal to furnish the corporation an affidavit required pursuant to subsection 2. Any stockholder or other person, exercising rights set forth in subsection 1, who uses or attempts to use information, records or other data obtained from the corporation, for any purpose not related to the stockholder’s interest in the corporation as a stockholder, is guilty of a gross misdemeanor.

5. If any officer or agent of any corporation keeping records in this State willfully neglects or refuses to permit an inspection of the books of account and financial records upon demand by a person entitled to inspect them, or refuses to permit an audit to be conducted by such a person, as provided in subsection 1, the corporation shall forfeit to the State the sum of $100 for every day of such neglect or refusal, and the corporation, officer or agent thereof is jointly and severally liable to the person injured for all damages resulting to the person.

6. A stockholder who brings an action or proceeding to enforce any right set forth in this section or to recover damages resulting from its denial:

(a) Is entitled to costs and reasonable attorney’s fees, if the stockholder prevails; or

(b) Is liable for such costs and fees, if the stockholder does not prevail, in the action or proceeding.
7. Except as otherwise provided in this subsection, the provisions of this section do not apply to any corporation that furnishes to its stockholders a detailed, annual financial statement or any corporation that has filed during the preceding 12 months all reports required to be filed pursuant to section 13 or section 15(d) of the Securities Exchange Act [of 1934], 15 U.S.C. §§ 78m or 78o(d). A person who owns, or is authorized in writing by the owners of, at least 15 percent of the issued and outstanding shares of the stock of a corporation that has elected to be governed by subchapter S of the Internal Revenue Code and whose shares are not listed or traded on any recognized stock exchange is entitled to inspect the books of the corporation pursuant to subsection 1 and has the rights, duties and liabilities provided in subsections 2 to 6, inclusive.

Sec. 8. NRS 78.265 is hereby amended to read as follows:

78.265 1. The provisions of this section apply to corporations organized in this State before October 1, 1991.

2. Except to the extent limited or denied by this section or the articles of incorporation, shareholders have a preemptive right to acquire unissued shares, treasury shares or securities convertible into such shares.

3. Unless otherwise provided in the articles of incorporation:
   (a) A preemptive right does not exist:
      (1) To acquire any shares issued to directors, officers or employees pursuant to approval by the affirmative vote of the holders of a majority of the shares entitled to vote or when authorized by a plan approved by such a vote of shareholders;
      (2) To acquire any shares sold for a consideration other than cash;
      (3) To acquire any shares issued at the same time that the shareholder who claims a preemptive right acquired his or her shares;
      (4) To acquire any shares issued as part of the same offering in which the shareholder who claims a preemptive right acquired his or her shares; or
      (5) To acquire any shares, treasury shares or securities convertible into such shares, if the shares or the shares into which the convertible securities may be converted are upon issuance registered pursuant to section 12 of the Securities Exchange Act, 15 U.S.C. § 78l.
   (b) Holders of shares of any class that is preferred or limited as to dividends or assets are not entitled to any preemptive right.
   (c) Holders of common stock are not entitled to any preemptive right to shares of any class that is preferred or limited as to dividends or assets or to any obligations, unless convertible into shares of common stock or carrying a right to subscribe to or acquire shares of common stock.
   (d) Holders of common stock without voting power have no preemptive right to shares of common stock with voting power.
   (e) The preemptive right is only an opportunity to acquire shares or other securities upon such terms as the board of directors fixes for the purpose of providing a fair and reasonable opportunity for the exercise of such right.
Sec. 9. NRS 78.288 is hereby amended to read as follows:

78.288 1. Except as otherwise provided in subsection 2 and the articles of incorporation, a board of directors may authorize and the corporation may make distributions to the holders of any class or series of the [corporation’s shares] capital stock of the corporation, including distributions on shares that are partially paid.

2. No distribution may be made if, after giving it effect:
(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or
(b) Except as otherwise specifically allowed by the articles of incorporation, the corporation’s total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the corporation were to be dissolved immediately after the time of the distribution, to satisfy the preferential rights upon such dissolution of [stockholders] holders of shares of [one or more classes] any class or series of the capital stock of the corporation [whose] having preferential rights [are] superior to those receiving the distribution.

3. The board of directors may base a determination that a distribution is not prohibited pursuant to subsection 2 on:
(a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;
(b) A fair valuation, including, but not limited to, unrealized appreciation and depreciation; or
(c) Any other method that is reasonable in the circumstances.

4. The effect of a distribution pursuant to subsection 2 must be measured:
(a) In the case of a distribution by purchase, redemption or other acquisition of [shares of the corporation’s shares] capital stock of the corporation, as of the earlier of:
(1) The date money or other property is transferred or debt incurred by the corporation; or
(2) The date upon which the [stockholder] holder of such shares of [one or more classes of the capital stock of the corporation] ceases to be [the stockholder holder with respect to] hold the acquired shares.
(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.
(c) In all other cases, as of:
(1) The date the distribution is authorized if the payment occurs within 120 days after the date of authorization; or
(2) The date the payment is made if it occurs more than 120 days after the date of authorization.

5. A corporation’s indebtedness to a [stockholder] holder of shares of [one or more classes or series of the capital stock of the corporation] incurred by reason of a distribution made in accordance with this section is at parity...
with the corporation’s indebtedness to its general unsecured creditors except to the extent subordinated by agreement.

6. Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to subsection 2 if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution [to stockholders, holders of shares of one or more classes or series of the capital stock of the corporation] could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or interest must be treated as a distribution, the effect of which must be measured on the date the payment is actually made.

7. The board of directors may fix a record date for determining [stockholders] holders of shares of one or more classes or series of the capital stock of the corporation entitled to a distribution authorized by the board of directors pursuant to this section, which record date must not precede the date upon which the resolution fixing the record date is adopted.

8. This section does not apply to any distribution in liquidation pursuant to NRS 78.590.

9. The provisions of chapter 112 of NRS do not apply to any distribution made by a corporation in accordance with this chapter.

Sec. 10. NRS 78.300 is hereby amended to read as follows: 78.300 1. The directors of a corporation shall not make distributions [to stockholders, holders of shares of one or more classes or series of the capital stock of the corporation] except as provided by this chapter.

2. Except as otherwise provided in subsection 3 and NRS 78.138, in case of any violation of the provisions of this section, the directors under whose administration the violation occurred are jointly and severally liable, at any time within 3 years after each violation, to the corporation, and, in the event of its dissolution or insolvency, to its creditors at the time of the violation, or any of them, to the lesser of the full amount of the distribution made or of any loss sustained by the corporation by reason of the distribution [to stockholders, holders of shares of one or more classes or series of the capital stock of the corporation].

3. The liability imposed pursuant to subsection 2 does not apply to a director who caused his or her dissent to be entered upon the minutes of the meeting of the directors at the time the action was taken or who was not present at the meeting and caused his or her dissent to be entered on learning of the action.

Sec. 11. NRS 78.320 is hereby amended to read as follows: 78.320 1. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions:

(a) A majority of the voting power, which includes the voting power that is present in person or by proxy, regardless of whether the proxy has authority to vote on any matter, constitutes a quorum for the transaction of business; and
(b) Action by the stockholders on a matter other than the election of directors is approved if the number of votes cast in favor of the action exceeds the number of votes cast in opposition to the action.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if, before or after the action, a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders and certain other persons permitted by the corporation to attend a meeting of stockholders may participate in the meeting through remote communication, including, without limitation, electronic communications, videoconferencing, teleconferencing or other available technology, if the corporation has implemented reasonable measures to:
   (a) Verify the identity of each person participating through such means as a stockholder or permitted person; and
   (b) Provide the stockholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the stockholders, including an opportunity to communicate, and to read or hear the proceedings of the meetings in a substantially concurrent manner with such proceedings.

5. Unless otherwise restricted by the articles of incorporation or bylaws, a meeting of stockholders may be held solely by remote communication pursuant to subsection 4 and, if a meeting is so held, no other means of communication is required in the conduct of the meeting unless otherwise prescribed by the board of directors.

6. Participation in a meeting pursuant to subsection 4 constitutes presence in person at the meeting.

7. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions, if voting by a class or series of stockholders is permitted or required:
   (a) A majority of the voting power of the class or series that is present in person or by proxy, regardless of whether the proxy has authority to vote on any matter, constitutes a quorum for the transaction of business; and
   (b) An act by the stockholders of each class or series is approved if a majority of the voting power of a quorum of the class or series votes for the action.

8. Unless otherwise provided in the articles of incorporation or bylaws, once a share is represented in person or by proxy for any purpose at a meeting, the share shall be deemed present for purposes of determining a quorum for
the remainder of the meeting and for any adjournment of the meeting unless a new record date is or must be fixed for the adjourned meeting.

Sec. 12. NRS 78.350 is hereby amended to read as follows:

78.350 1. Unless otherwise provided in the articles of incorporation, or in the certificate of designation establishing the class or series of stock, every stockholder of record of a corporation is entitled at each meeting of stockholders thereof to one vote for each share of stock standing in his or her name on the records of the corporation. If the articles of incorporation, or the certificate of designation establishing the class or series of stock provides for more or less than one vote per share for any class or series of shares on any matter, every reference in this chapter to a majority or other proportion of stock shall be deemed to refer to a majority or other proportion of the voting power of all of the shares or those classes or series of shares, as may be required by the articles of incorporation, or in the certificate of designation establishing the class or series of stock or the provisions of this chapter.

2. Unless a period of more than 60 days or a period of less than 10 days is prescribed or fixed in the articles of incorporation, the board of directors may prescribe a period not exceeding 60 days before any meeting of the stockholders during which no transfer of stock on the books of the corporation may be made, or may fix [in advance] a record date not more than 60 or less than 10 days before the date of any such meeting as the date as of which stockholders entitled to notice of and to vote at such meetings must be determined.

3. If a record date for a meeting of stockholders is fixed by the board of directors:
   (a) The record date:
      (1) Must be so fixed pursuant to a resolution adopted by the board of directors; and
      (2) Must not precede the [date that] day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.
   (b) Only stockholders of record on [that] the record date are entitled to notice of or to vote at [such a] the meeting.

4. If a record date for a meeting of stockholders is not fixed [by] by the board of directors, the record date is at the close of business on the day before the day on which the first notice is given or, if notice is waived, at the close of business on the day before the meeting is held.

5. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders applies to [an] any adjournment or postponement of the meeting unless the board of directors fixes a new record date for the adjourned or postponed meeting. The board of directors must fix a new record date if the meeting is adjourned or postponed to a date more than 60 days later than the meeting date set for the original meeting.
6. The board of directors may adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined. The date prescribed by the board of directors may not precede or be more than 10 days after the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

7. If the board of directors does not adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined and:
   (a) No prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is the first date on which any stockholder delivers to the corporation such consent signed by the stockholder.
   (b) Prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is at the close of business on the day the board of directors adopts the resolution.

8. The provisions of this section do not restrict the directors from taking action to protect the interests of the corporation and its stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that grant or deny rights, privileges, power or authority to a holder or holders of a specified number of shares or percentage of share ownership or voting power.

Sec. 13. NRS 78.365 is hereby amended to read as follows:

78.365 1. A stockholder, by agreement in writing, may transfer his or her stock to a voting trustee or trustees for the purpose of conferring the right to vote the stock for a period not exceeding 15 years upon the terms and conditions therein stated. Any certificates of stock so transferred must be surrendered and cancelled and new certificates for the stock issued to the trustee or trustees in which it must appear that they are issued pursuant to the agreement, and in the entry of ownership in the proper books of the corporation that fact must also be noted, and thereupon the trustee or trustees may vote the stock so transferred during the terms of the agreement. A duplicate of every such agreement must be filed in the registered office of the corporation and at all times during its terms be open to inspection by any stockholder or his or her attorney.

2. At any time within the 2 years next preceding the expiration of an agreement entered into pursuant to the provisions of subsection 1, or the expiration of an extension of that agreement, any beneficiary of the trust may, by written agreement with the trustee or trustees, extend the duration of the trust for a time not to exceed 15 years after the scheduled expiration date of the original agreement or the latest extension. An extension is not effective unless the trustee, before the expiration date of the original agreement or the latest extension, files a duplicate of the agreement providing for the extension...
in the registered office of the corporation. An agreement providing for an
extension does not affect the rights or obligations of any person not a party to
that agreement. An agreement entered into pursuant to the provisions of
subsection 1 is not invalidated by the fact that, by its terms, its duration is
more than 15 years, but its duration shall be deemed amended to conform with
the provisions of this section.

3. An agreement between two or more stockholders, if in writing and
signed by each stockholder to be bound thereby, may provide that in
exercising any voting rights, the stock held by each such stockholder
must be voted:

(a) Pursuant to the provisions of the agreement;
(b) As they may subsequently agree; or
(c) In accordance with a procedure agreed upon.

4. An agreement pursuant to the provisions of subsection 3 is valid and
enforceable against the transferee of a stockholder party to the agreement only:

(a) If and to the extent that the transferee agrees in writing to be bound
by the agreement; or
(b) If the agreement expressly provides that it is enforceable against the
transferee of a stockholder party to the agreement and:
   (1) The transferee had actual knowledge of the existence of the
   agreement before the transfer; or
   (2) The existence of the agreement is noted conspicuously on the front or
   back of the stock certificate or is contained in the written statement of
   information required by subsection 5 of NRS 78.235.

5. An agreement entered into pursuant to the provisions of subsection 3,
or an amendment thereto or an extension thereof, in each case entered into
before October 1, 2021, is not effective:

(a) Effective for a term of more than 15 years, but at any time within the
2 years next preceding the expiration of the agreement the parties thereto may
extend its duration for as many additional periods, each not to exceed
15 years, as they wish.
(b) Invalidated by the fact that by its terms its duration is more than
15 years, but its duration shall be deemed amended to conform with the
provisions of this section.

Sec. 14. NRS 78.370 is hereby amended to read as follows:
78.370 1. If under the provisions of this chapter stockholders are
required or authorized to take any action at a meeting, the notice of the meeting
must be in writing.
2. Except in the case of the annual meeting, the notice must state the purpose or purposes for which the meeting is called. In all instances, the notice must state:

(a) The date and time of the meeting, where the meeting is to be held, and the place, which may be within or without this State, where the meeting is to be held, and the;
(b) The means of remote communication, if any, by which stockholders and proxies shall be deemed to be present in person and vote at the meeting; and
(c) Unless the meeting is to be held solely by remote communication pursuant to subsection 5 of NRS 78.320, the physical location of the meeting, which may be within or without this State.

3. A copy of the notice must be delivered personally, mailed postage prepaid or delivered as provided in NRS 75.150 to each stockholder of record entitled to vote at the meeting not less than 10 nor more than 60 days before the meeting. If mailed, it must be directed to the stockholder at his or her address as it appears upon the records of the corporation. Personal delivery of any such notice to any officer of a corporation or association, to any member of a limited-liability company managed by its members, to any manager of a limited-liability company managed by managers, to any general partner of a partnership or to any trustee of a trust constitutes delivery of the notice to the corporation, association, limited-liability company, partnership or trust.

4. The articles of incorporation or the bylaws may require that the notice be also published in one or more newspapers but, notwithstanding such a requirement in the articles of incorporation or bylaws, notice by publication in one or more newspapers is not required if the corporation is a publicly traded corporation on the record date for the meeting.

5. Notice delivered or mailed to a stockholder in accordance with the provisions of this section and NRS 75.150 and the provisions, if any, of the articles of incorporation or the bylaws is sufficient, and in the event of the transfer of the stockholder’s stock after such delivery or mailing and before the holding of the meeting it is not necessary to deliver or mail notice of the meeting to the transferee.

6. Unless otherwise provided in the articles of incorporation or the bylaws, if notice is required to be delivered, under any provision of this chapter or the articles of incorporation or bylaws of any corporation, to any stockholder to whom:

(a) Notice of two consecutive annual meetings, and all notices of meetings or of the taking of action by written consent without a meeting to the stockholder during the period between those two consecutive annual meetings; or
(b) All, and at least two, payments sent by first-class mail of dividends or interest on securities during a 12-month period, have been mailed addressed to the stockholder at his or her address as shown on the records of the corporation and have been returned undeliverable, the
delivery of further notices to the stockholder is not required. Any action or meeting taken or held without notice to such a stockholder has the same effect as if the notice had been delivered. If any such stockholder delivers to the corporation a written notice setting forth his or her current address, the requirement that notice be delivered to the stockholder is reinstated. If the action taken by the corporation is such as to require the filing of a certificate under any of the other sections of this chapter, the certificate need not state that notice was not delivered to persons to whom notice was not required to be delivered pursuant to this subsection. The delivery of further notices to a stockholder is still required for any notice returned as undeliverable if the notice was delivered by electronic transmission.

7. Unless the articles of incorporation or bylaws otherwise require, and except as otherwise provided in this subsection, if a [stockholders'] meeting of stockholders is adjourned, notice of the following information need not be delivered if the information is announced at the meeting at which the adjournment is taken:
   (a) The date, time or place of the adjourned meeting;
   (b) The means of remote communication, if any, by which stockholders and proxies shall be deemed to be present in person and vote at the adjourned meeting; and
   (c) Unless the adjourned meeting is to be held solely by remote communication pursuant to subsection 5 of NRS 78.320, the physical location of the adjourned meeting, which may be within or without this State.

8. If a new record date is fixed for an adjourned or postponed meeting, notice of the adjourned or postponed meeting must be delivered to each stockholder of record as of the new record date.

9. The requirements for notice pursuant to this section are satisfied by a corporation if the corporation is a publicly traded corporation on the record date for the meeting and the corporation timely files, pursuant to section 14(a) of the Securities Exchange Act, 15 U.S.C. § 78n(a), a proxy statement or an amendment thereto, containing the information described in subsection 2, unless such notice by proxy statement is expressly prohibited in:
   (a) The articles of incorporation or an amendment thereto, which are filed and effective on or after October 1, 2021; or
   (b) The bylaws or an amendment thereto, which are effective on or after October 1, 2021.

10. As used in this section, “remote communication” includes any form of communication described in subsection 4 of NRS 78.320.

Sec. 14.5. NRS 78.630 is hereby amended to read as follows:

78.630 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or stockholders, any creditors holding at least
10 percent of the outstanding indebtedness, or stockholders owning at least 10 percent of the outstanding stock entitled to vote, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the principal office of the corporation is located or, if the principal office is not located in this State, to the district court in the county in which the corporation’s registered office is located for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon such inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or stockholders, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 15. NRS 78.7502 is hereby amended to read as follows:

78.7502 1. A corporation may indemnify pursuant to this subsection any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, except an action by or in the right of the corporation, by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise or as a manager of a limited-liability company, against expenses, including attorneys’ fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with the action, suit or proceeding if the person:

(a) Is not liable pursuant to NRS 78.138; or

(b) Acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, does not, of itself, create a presumption that the person is liable pursuant to NRS 78.138 or did not act in good faith and in a manner which he or she
reasonably believed to be in or not opposed to the best interests of the corporation, or that, with respect to any criminal action or proceeding, he or she had reasonable cause to believe that the conduct was unlawful.

2. A corporation may indemnify pursuant to this subsection any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise or as a manager of a limited-liability company, against expenses, including amounts paid in settlement and attorneys’ fees actually and reasonably incurred by the person in connection with the defense or settlement of the action or suit if the person:
   (a) Is not liable pursuant to NRS 78.138; or
   (b) Acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation.

Indemnification pursuant to this section may not be made for any claim, issue or matter as to which such a person has been adjudged by a court of competent jurisdiction, after exhaustion of any appeals taken therefrom, to be liable to the corporation or for amounts paid in settlement to the corporation, unless and only to the extent that the court in which the action or suit was brought or other court of competent jurisdiction determines upon application that in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for such expenses as the court deems proper.

3. Any discretionary indemnification pursuant to this section, unless ordered by a court or advanced pursuant to subsection 2 of NRS 78.751, may be made by the corporation only as authorized in each specific case upon a determination that the indemnification of a director, officer, employee or agent of a corporation is proper under the circumstances. The determination must be made by:
   (a) The stockholders;
   (b) The board of directors, by majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding; or
   (c) Independent legal counsel, in a written opinion, if:
      (1) A majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding so orders; or
      (2) A quorum consisting of directors who were not parties to the action, suit or proceeding cannot be obtained.

Sec. 16. NRS 81.430 is hereby amended to read as follows:

81.430 1. Any person or any number of persons, including and in addition to the original incorporators, may become members of the corporation upon such terms and conditions as to membership, and subject to such rules and regulations as to their, and each of their, contract and other rights and
liabilities between it and the member, as the corporation shall prescribe in its bylaws.

2. **Unless the corporation is an association or a unit-owners’ association, each term as defined in NRS 116.3101, the corporation shall issue a certificate of membership to each member, but the membership or the certificate thereof shall not, except as provided in NRS 81.410 to 81.540, inclusive, be assigned by any member to any other person, nor shall the assigns thereof be entitled to membership in the corporation, or to any property rights or interest therein.**

3. The board of directors may, however, by motion duly adopted by it, consent to such assignment or transfer, and to the acceptance of the assignee or transferee as a member of the corporation.

4. The corporation shall also have the right, by its bylaws, to provide for or against the transfer of membership and for or against the assignment of membership certificates, and also the terms and conditions upon which any such transfer or assignment shall be allowed.

Sec. 17. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. “In interest,” when used in reference to a stated proportion and:

1. In reference to a limited-liability company, means such proportion of the total contributions of the members to the capital of the limited-liability company, as adjusted from time to time to properly reflect any additional contributions or withdrawals by the members.

2. In reference to a series, means such proportion of the total contributions of the members to the capital of the series, as adjusted from time to time to properly reflect any additional contributions or withdrawals from the series by the members associated with the series.

Sec. 19. As used in NRS 86.281 to 86.351, inclusive, unless the context otherwise requires, “distribution” means a direct or indirect transfer of money or property, other than its own member’s interests, or the incurrence of indebtedness, by a limited-liability company to or for the benefit of all holders of any one or more classes or series of its members’ interests with respect to such interests or as otherwise provided in the articles of organization or operating agreement.

Sec. 20. NRS 86.011 is hereby amended to read as follows:

86.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 86.022 to 86.1255, inclusive, and section 18 of this act have the meanings ascribed to them in those sections.

Sec. 21. NRS 86.095 is hereby amended to read as follows:

86.095 1. “Noneconomic member” means a member of a limited-liability company who:

  (a) Does not own a member’s interest in the company;

  (b) Does not have an obligation to contribute capital to the company;
(c) Does not have a right to participate in or receive distributions from the company or an obligation to contribute to the losses of the company; and
(d) May have voting rights and other rights and privileges given to noneconomic members of the company by the articles of organization or operating agreement.

2. As used in this section, “distribution” has the meaning ascribed to it in section 19 of this act.

Sec. 22. NRS 86.291 is hereby amended to read as follows:

86.291 1. Except as otherwise provided in this section or in the articles of organization or operating agreement, management of a limited-liability company is vested in proportion to their contribution to its capital, as adjusted from time to time to reflect properly any additional contributions or withdrawals by the members.

2. Unless otherwise provided in the articles of organization or operating agreement, the management of a series is vested in proportion to their contribution to the capital of the series, as adjusted from time to time to reflect properly any additional contributions or withdrawals from the assets or income of the series by the members associated with the series.

3. If provision is made in the articles of organization, management of the company may be vested in a manager or managers, who may but need not be members. The manager or managers shall hold the offices, have the responsibilities and otherwise manage the company as set forth in the operating agreement of the company or, if the company has not adopted an operating agreement, then as prescribed by the members.

Sec. 22.5. NRS 86.321 is hereby amended to read as follows:

86.321 For purposes of this chapter, the contributions to capital of a member to a limited-liability company or series may be in cash, property or services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services.

Sec. 23. NRS 86.341 is hereby amended to read as follows:

86.341 A limited-liability company may, from time to time, divide the profits of its business and distribute them to its members, and any transferee as his or her interest may appear, upon the basis provided in the articles of organization or operating agreement. If the articles of organization or operating agreement does not otherwise provide, the distributions must be allocated proportionately to the value, as shown in the records of the company, of the contributions made by each member and not returned.
Sec. 24. NRS 86.343 is hereby amended to read as follows:
86.343 1. Except as otherwise provided in subsection 2, a distribution of the profits and contributions of a limited-liability company must not be made if, after giving it effect:
   (a) The company would not be able to pay its debts as they become due in the usual course of business; or
   (b) Except as otherwise specifically permitted by the articles of organization, the total assets of the company would be less than the sum of its total liabilities.
2. A distribution of the profits and contributions of a series of the company must not be made if, after giving it effect:
   (a) The company would not be able to pay the debts of the series from assets of the series as debts of the series become due in the usual course of business; or
   (b) Except as otherwise specifically permitted by the articles of organization, the total assets of the series would be less than the sum of the total liabilities of the series.
3. The manager or managers or, if management of the company is not vested in a manager or managers, the members, may base a determination that a distribution is not prohibited pursuant to this section on:
   (a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;
   (b) A fair valuation, including unrealized appreciation and depreciation; or
   (c) Any other method that is reasonable in the circumstances.
4. The effect of a distribution pursuant to this section must be measured:
   (a) In the case of a distribution by purchase, redemption or other acquisition by the company of member’s interests, as of the earlier of:
      (1) The date on which money or other property is transferred or debt incurred by the company; or
      (2) The date on which the member ceases to be a member with respect to his or her acquired interest.
   (b) In the case of any other distribution of indebtedness, as of the date on which the indebtedness is distributed.
   (c) In all other cases, as of:
      (1) The date on which the distribution is authorized if the payment occurs within 120 days after the date of authorization; or
      (2) The date on which the payment is made if it occurs more than 120 days after the date of authorization.
5. Indebtedness of the company, or a series of the company, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to this section if its terms provide that payment of principal and interest are to be made only if and to the extent that payment of a distribution to the members could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or
interest must be treated as a distribution, the effect of which must be measured as of the date of payment.

6. Except as otherwise provided in subsection 7, a member who receives a distribution in violation of this section is liable to the limited-liability company or the series, as applicable, for the amount of the distribution. This subsection does not affect the validity of an obligation or liability of a member created by an agreement or other applicable law for the amount of a distribution.

7. A member who receives a distribution from a limited-liability company or the series, as applicable, in violation of this section is not liable to the limited-liability company or such series, as applicable, and, in the event of its dissolution or insolvency, to its creditors, or any of them, for the amount of the distribution after the expiration of 3 years after the date of the distribution unless an action to recover the distribution from the member is commenced before the expiration of the 3-year period following the distribution.

8. Except as otherwise provided in the articles of organization or operating agreement, the manager or managers or, if the management of the company is not vested in a manager or managers, the members, may fix a record date for determining the members entitled to a distribution authorized pursuant to this section. The record date must not precede the 3rd day on which it is fixed.

Sec. 25. NRS 86.5411 is hereby amended to read as follows:

86.5411 1. Whenever any limited-liability company becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or members, any creditors holding at least 10 percent of the outstanding indebtedness or members owning either 10 percent of the outstanding member’s interests or 10 percent of the voting power of the company, or at least 10 percent in interest of the members, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the principal office of the company is located or, if the principal office is not located in this State, to the district court in the county in which the company’s registered office is located for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If, upon such inquiry it appears to the court that the company has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or members so that its business cannot be conducted with safety to the public, it may issue an
injunction to restrain the company and its managers, managing members, officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

4. The rights of a member set forth in this section may be exercised by a noneconomic member if specifically set forth in the articles of organization or the operating agreement.

Sec. 26. NRS 86.5415 is hereby amended to read as follows:

86.5415 1. [Any member owning either 10 percent of the outstanding member’s interests or] Members holding not less than 10 percent of the voting power in interest of the limited-liability company may apply to the district court in the county in which the company has its principal place of business or, if the principal place of business is not located in this State, to the district court in the county in which the company’s registered office is located, for an order appointing a receiver, and by injunction restrain the company from exercising any of its powers or doing business whatsoever, except by and through a receiver appointed by the court, whenever irreparable injury to the company is threatened or being suffered and:

(a) The company has willfully violated its charter;

(b) Its managers or managing members have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs and the presumption established by subsection 3 has been rebutted with respect to such conduct or control;

(c) The assets of the company are in danger of waste, sacrifice or loss through attachment, foreclosure, litigation or otherwise; or

(d) The company has dissolved, but has not proceeded diligently to wind up its affairs, or to distribute its assets in a reasonable time.

2. The application may be for the appointment of a receiver, without at the same time applying for the dissolution of the company, and notwithstanding the absence, if any there be, of any action or other proceeding in the premises pending in such court.

3. In any such application for a receivership, it is sufficient for a temporary appointment if notice of the same is given to the company alone, by process as in the case of an application for a temporary restraining order or injunction, and the hearing thereon may be had after 5 days’ notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists therefor, appoint one or more receivers for such purpose, but in all cases managers or managing members who have been guilty of no negligence nor active breach of duty must be preferred in making the appointment. The court may at any time for sufficient cause make a decree terminating the receivership, or dissolving the company and terminating its existence, or both, as may be proper.
5. Receivers so appointed have, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided pursuant to NRS 86.5412, 86.5413 and 86.5414, whether the company is insolvent or not.

6. The requirement [as to ownership or voting] to hold not less than 10 percent in interest set forth in subsection 1 shall be maintained from the date of and throughout the pendency of the application for the appointment of a receiver of the company.

7. The rights of a member set forth in this section may be exercised by a noneconomic member if specifically set forth in the articles of organization or the operating agreement.

Sec. 27. NRS 86.5416 is hereby amended to read as follows:

86.5416 Whenever [members holding member’s interests entitlin g them to exercise at least] a majority in interest of the [voting power] members of the limited-liability company [shall] have agreed upon a plan for the reorganization of the company and a resumption by it of the management and control of its property and business, the company may, with the consent of the district court:

1. Upon the reconveyance to it of its property and franchises, mortgage the same for such amount as may be necessary for the purposes of reorganization; and

2. Issue bonds or other evidences of indebtedness, or additional member’s interests of one or more classes, or both bonds and member’s interests, or certificates of investment or participation certificates, and use the same for the full or partial payment of the creditors who will accept the same, or otherwise dispose of the same for the purposes of the reorganization.

Sec. 28. Chapter 92A of NRS is hereby amended by adding there to the provisions set forth as sections 29 and 30 of this act.

Sec. 29. “Advance notice statement” when used in reference to a proposed corporate action creating dissenter’s rights that is taken or submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, means written notice of the proposed corporate action sent by the subject corporation to all stockholders of record entitled to assert dissenter’s rights if the corporate action is effectuated. Such notice must:

1. Be sent not later than 20 days before the effective date of the proposed corporate action;

2. Identify the proposed corporate action;

3. Provide that a stockholder who wishes to assert dissenter’s rights with respect to any class or series of shares must deliver a statement of intent to the subject corporation and set a date by which the subject corporation must receive the statement of intent, which may not be less than 15 days after the date the notice is sent, and state that the stockholder shall be deemed to have waived the right to assert dissenter’s rights with respect to the shares unless
the statement of intent is received by the subject corporation by such specified date; and

4. Be accompanied by a copy of NRS 92A.300 to 92A.500, inclusive.

Sec. 30. “Statement of intent” when used in reference to a proposed corporate action creating dissenter’s rights, means written notice of a stockholder’s intent to assert dissenter’s rights and demand payment for the stockholder’s shares if the corporate action is effectuated.

Sec. 31. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.092, inclusive, and sections 29 and 30 of this act have the meanings ascribed to them in those sections.

Sec. 32. NRS 92A.133 is hereby amended to read as follows:

92A.133 1. Unless otherwise expressly required by the articles of incorporation, no vote of the stockholders of a [publicly traded] domestic corporation is necessary to authorize a merger in which the [publicly traded] domestic corporation is a constituent entity if the plan of merger expressly permits or requires the merger to be effected under this section and:

(a) The ownership threshold requirement is satisfied without any offer, subject to the provisions of subsection 2; or

(b) The ownership threshold requirement is satisfied in whole or in part by way of an offer and:

(1) The domestic corporation has been a publicly traded corporation at all times during the period between:

(I) The date of the commencement of the offer or the date of the adoption of the plan of merger by the board of directors of the domestic corporation, whichever is earlier; and

(II) The effective date of the merger; and

(2) The plan of merger requires that:

(1) The merger must be effected as soon as practicable following the consummation of the offer if the merger is effected under this section; and

(2) Each outstanding share of each class or series of stock of the [publicly traded] domestic corporation that is the subject of, and not irrevocably accepted for purchase or exchange in, the offer must be converted in such merger into, or into the right to receive, the same amount and kind of cash, property, rights or securities to be paid for shares of such class or series of stock of the [publicly traded] domestic corporation irrevocably accepted for purchase or exchange in the offer. The plan of merger may expressly provide that the requirements of this [subparagraph] sub-subparagraph must not apply to specified categories of excluded shares.

2. If a merger pursuant to this section is to be effected without any offer:

(a) The ownership threshold requirement must be satisfied without counting the voting power of any shares of the stock of the [publicly traded] domestic corporation acquired from the [publicly traded] domestic corporation, or any
of the directors, officers, affiliates or associates thereof, within the 6 months immediately preceding the adoption of the plan of merger by the board of directors of the domestic corporation;

(b) The domestic corporation must provide notice of the merger to all of its stockholders not less than 30 days before the effective date of the merger; and

(c) The domestic corporation must have been a publicly traded corporation at all times during the period between

(1) The date of the commencement of the offer or the date of the adoption of the plan of merger by the board of directors of the domestic corporation, whichever is earlier; and

(2) The effective date of the merger.

3. This section does not apply to circumvent or contravene the provisions of NRS 78.378 to 78.3793, inclusive, or NRS 78.411 to 78.444, inclusive.

4. As used in this section:

(a) “Affiliate” has the meaning ascribed to it in NRS 78.412.

(b) “Associate” has the meaning ascribed to it in NRS 78.413.

(c) “Consummation” means the irrevocable acceptance for purchase or exchange of shares tendered pursuant to an offer.

(d) “Excluded shares” means:

(1) Rollover shares; and

(2) Shares of the domestic corporation that are owned beneficially or of record at the commencement of an offer by:

(I) The domestic corporation;

(II) The constituent entity making the offer;

(III) Any person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity making the offer; or

(IV) Any direct or indirect wholly owned subsidiary of any of the foregoing.

(e) “Offer” means an offer made by the other constituent entity in the merger for all of the outstanding shares of each class or series of stock of the domestic corporation listed on a national securities exchange, on the terms provided in the plan of merger that, absent this section, would be entitled to vote on the adoption of the plan of merger. The other constituent entity in the merger may, but is not required to, engage in the consummation of separate offers for separate classes or series of the stock of the domestic corporation. An offer may, but is not required to:

(1) Exclude any excluded shares; and

(2) Be conditioned on the tender of a minimum number or proportion of shares of any class or series of the stock of the domestic corporation.

(f) “Owned affiliate” means, with respect to a constituent entity, any other person who owns, directly or indirectly, all of the outstanding equity interests
of the constituent entity, or any direct or indirect wholly owned subsidiary of the constituent entity or other person.

(g) “Ownership threshold requirement” means that the voting power of the stock of the [publicly traded] domestic corporation otherwise owned beneficially or of record by the other constituent entity in the merger or any of the owned affiliates of the other constituent entity, together with the voting power of any rollover shares and any shares irrevocably accepted for purchase or exchange pursuant to any offer and received before the expiration of the offer by the agent or depositary appointed to facilitate the consummation of the offer, equals at least that proportion of the voting power of the stock, and of each class or series thereof, of the [publicly traded] domestic corporation that, absent this section, would be required to approve the plan of merger under this chapter and the articles of incorporation and bylaws of the [publicly traded] domestic corporation. For the purposes of this paragraph, shares are received:

(1) If the shares are certificated shares, upon physical receipt by the agent or depositary of a stock certificate with an executed letter of transmittal or other instrument of transfer;

(2) If the shares are uncertificated shares held of record by a clearing corporation as nominee, upon transfer into the account of the agent or depositary by way of an agent’s message; and

(3) If the shares are uncertificated shares held of record by a person other than a clearing corporation as nominee, upon physical receipt by the agent or depositary of an executed letter of transmittal or other instrument of transfer.

(h) “Publicly traded corporation” means a domestic corporation that has a class or series of voting shares which is a covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended.

(i) “Rollover shares” means any shares of any class or series of the capital stock of the [publicly traded] domestic corporation that are the subject of a written agreement requiring such shares to be contributed or otherwise transferred to the other constituent entity in the merger or any of the owned affiliates of the other constituent entity in exchange for shares or other equity interest in the other constituent entity or any of its owned affiliates. Shares must cease to be rollover shares if, as of the effective time of the merger, the shares have not been contributed or otherwise transferred pursuant to the written agreement.

Sec. 33. NRS 92A.140 is hereby amended to read as follows:

92A.140 1. Unless otherwise provided in the partnership agreement or the certificate of limited partnership, a plan of merger, conversion or exchange involving a domestic limited partnership must be approved by all general partners and by limited partners who own a majority in interest of the partnership then owned by all the limited partners. If the partnership has more than one class of limited partners, the plan of merger, conversion or exchange
must be approved by those limited partners who own a majority in interest of the partnership then owned by the limited partners in each class.

2. [For the purposes of this section, “majority in interest of the partnership” means a majority of the interests in capital and profits of the limited partners of a domestic limited partnership which:
   —(a) In the case of capital, is determined as of the date of the approval of the plan of merger, conversion or exchange;
   —(b) In the case of profits, is based on any reasonable estimate of profits for the period beginning on the date of the approval of the plan of merger, conversion or exchange and ending on the anticipated date of the termination of the domestic limited partnership, including any present or future division of profit distributed pursuant to the partnership agreement.
—3.] If any partner of a domestic limited partnership, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the partner will be the owner of an owner’s interest in the resulting entity, then that partner must also approve the plan of conversion.

3. As used in this section, “majority in interest of the partnership” means a majority of the total contributions of the limited partners to the capital of the partnership, as adjusted from time to time to reflect properly any additional contributions or withdrawals by the partners.

Sec. 34. NRS 92A.150 is hereby amended to read as follows:

92A.150 1. Unless otherwise provided in the articles of organization or an operating agreement:
   (a) A plan of merger, conversion or exchange involving a domestic limited-liability company must be approved by [members who own] a majority [of the interests in the current profits of the company then owned by all] in interest of the members; and
   (b) If the company has more than one class of members, the plan of merger, conversion or exchange must be approved by [those members who own] a majority [of the interests in the current profits] in interest of the [company then owned by the] members in each class.

2. If any manager or member of a domestic limited-liability company, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the manager or member will be the owner of an owner’s interest in the resulting entity, then that manager or member must also approve the plan of conversion.

3. As used in this section, “majority in interest”:
   —(a) In reference to a limited liability company with one class of members, means a majority of the total contributions of the members to the capital of the limited liability company, as adjusted from time to time to properly reflect any additional contributions or withdrawals by the members.
   —(b) In reference to a limited liability company with more than one class of members, means a majority of the total contributions of the members of
Sec. 35. NRS 92A.390 is hereby amended to read as follows:

92A.390 1. There is no right of dissent pursuant to paragraph (a), (b), (c) or (f) of subsection 1 of NRS 92A.380 in favor of stockholders of any class or series which is:

(a) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended;
(b) Traded in an organized market and has at least 2,000 stockholders and a market value of at least $20,000,000, exclusive of the value of such shares held by the corporation’s subsidiaries, senior executives, directors and beneficial stockholders owning more than 10 percent of such shares; or
(c) Issued by an open-end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and which may be redeemed at the option of the holder at net asset value,

unless the articles of incorporation of the corporation issuing the class or series or the resolution of the board of directors approving the plan of merger, conversion or exchange expressly provide otherwise.

2. The applicability of subsection 1 must be determined as of:

(a) The record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders to act upon the corporate action otherwise requiring dissenter’s rights; or

(b) The day before the effective date of such corporate action if there:

(1) There is no meeting of stockholders to act upon the corporate action otherwise requiring dissenter’s rights; or

(2) The corporate action is a merger described in NRS 92A.133.

3. Subsection 1 is not applicable and dissenter’s rights are available pursuant to NRS 92A.380 for the holders of any class or series of shares who are required by the terms of the corporate action to accept for such shares anything other than:

(a) Cash;
(b) Any security or other proprietary interest of any other entity, including, without limitation, shares, equity interests or contingent value rights, that satisfies the standards set forth in subsection 1 at the time the corporate action becomes effective; or
(c) Any combination of paragraphs (a) and (b).

4. There is no right of dissent for any holders of stock of the surviving domestic corporation if the plan of merger does not require action of the stockholders of the surviving domestic corporation under NRS 92A.130.
5. There is no right of dissent for any holders of stock of the parent domestic corporation if the plan of merger does not require action of the stockholders of the parent domestic corporation under NRS 92A.180.

6. There is no right of dissent with respect to any share of stock that was not issued and outstanding on the date of the first announcement to the news media or to the stockholders of the terms of the proposed action requiring dissenters' rights.

Sec. 36. NRS 92A.410 is hereby amended to read as follows:

92A.410 1. If a proposed corporate action creating dissenter’s rights is submitted for approval pursuant to a vote at a stockholders’ meeting, the notice of the meeting must state that stockholders are, are not or may be entitled to assert dissenters’ rights under NRS 92A.300 to 92A.500, inclusive. If the domestic corporation concludes that dissenters’ rights are or may be available, a copy of NRS 92A.300 to 92A.500, inclusive, must accompany the meeting notice sent to those stockholders of record entitled to exercise dissenters’ rights.

2. If a corporate action creating dissenter's rights is taken submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, the domestic corporation may:

(a) May send an advance notice statement with respect to the proposed corporate action; and

(b) If the proposed corporate action is taken pursuant to this subsection, the domestic corporation shall notify in writing all stockholders of record entitled to assert dissenters’ rights that the action was taken and send them the dissenter’s notice described in NRS 92A.430.

Sec. 37. NRS 92A.420 is hereby amended to read as follows:

92A.420 1. If a proposed corporate action creating dissenters’ rights is submitted to a vote at a stockholders’ meeting, a stockholder who wishes to assert dissenters’ rights with respect to any class or series of shares:

(a) Must deliver to the subject corporation, before the vote is taken, written notice of the stockholder’s a statement of intent to demand payment for his or her shares if the proposed corporate action is effectuated; and

(b) Must not vote, or cause or permit to be voted, any of his or her stockholder’s shares of such class or series in favor of the proposed corporate action.

2. If a proposed corporate action creating dissenter’s rights is taken without a vote of the stockholders or submitted for approval pursuant to a written consent of the stockholders, a stockholder who wishes to assert dissenters’ rights with respect to any class or series of shares must:

(a) If an advance notice statement is sent by the subject corporation pursuant to NRS 92A.410, the stockholder must deliver a statement of intent
with respect to any class or series of shares to the subject corporation by the date specified in the advance notice statement; and

(b) Must not consent to or approve the proposed corporate action with respect to such class or series.

3. A stockholder who does not satisfy the requirements of subsection 1 or 2 and NRS 92A.400 is not entitled to payment for his or her shares under this chapter.

Sec. 38. NRS 78.424, 78.4265, 78.427, 78.428 and 86.065 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

78.424 “Market value” defined.
78.4265 “Publicly traded corporation” defined.
78.427 “Resident domestic corporation” defined.
78.428 “Securities Exchange Act” defined.
86.065 “Majority in interest” defined.

Senator Scheible moved the adoption of the amendment.
Remarks by Senator Scheible.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 108.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 138.

SUMMARY—Establishes provisions relating to [the administration of] juvenile justice. (BDR [14-549] 5-549)

AN ACT relating to [the administration of] juvenile justice; requiring any person [employed in the criminal justice system] who during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete periodic training relating to implicit bias and cultural competency; requiring the [Attorney General] Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; [requiring any person who files with a court a petition commencing a juvenile proceeding to file an affidavit certifying certain information; prohibiting a court from accepting a petition commencing a juvenile proceeding unless the petition is accompanied by such an affidavit;] authorizing the Nevada Supreme Court to adopt additional court rules concerning such training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law establishes various provisions relating to [criminal procedure]
juvenile justice in this State. (Title 5 of NRS) Section 1 of this bill requires any person who is employed in the criminal justice system during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete, in addition to any other required training and generally at least once every 2 years, training relating to implicit bias and cultural competency. Section 1 also requires that such training include certain specific instruction relating to implicit bias and cultural competency. Additionally, section 1: (1) requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; and (2) authorizes the Division of Child and Family Services to consult with any person whose assistance the Division of Child and Family Services determines will be helpful when adopting such regulations.

Existing law also establishes provisions specifically relating to the procedure before adjudication in juvenile proceedings in this State. (Chapter 62C of NRS) Section 2 of this bill requires any person who files a petition that commences a juvenile proceeding to also file an affidavit certifying that: (1) every person who was involved in the decision to file the petition and who is required to complete the training set forth in section 1 has completed such training; and (2) the petition is not being filed as a result of any inappropriate discrimination on the basis of any protected class or characteristic. Section 2 also prohibits a court from accepting any petition that commences a juvenile proceeding unless the petition is accompanied by such an affidavit. Section 1 also authorizes the Nevada Supreme Court to adopt additional court rules concerning such training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles.

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

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is employed in the criminal justice system during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State, including, without limitation, any magistrate, master, prosecuting attorney, public defender, peace officer, probation officer, juvenile correctional officer, employee of a state or local facility for the detention of children, employee of a regional facility for the treatment and rehabilitation of children or employee of a court, prosecuting attorney’s office or public defender’s office, employee of the Department of Corrections or the Division of Parole and Probation of the Department of Public Safety, shall complete, in addition to any other required training, training relating to implicit bias and cultural competency provided by his or her employer pursuant to the regulations
adopted pursuant to subsection 3. Unless the regulations adopted by the [Attorney General] Division of Child and Family Services pursuant to subsection 3 provide otherwise, such training relating to implicit bias and cultural competency must be completed at least once every 2 years.

2. The training required by subsection 1 must include, without limitation, instruction that:
   (a) Explains what implicit bias is, where implicit bias comes from, the importance of understanding implicit bias and the negative impacts of implicit bias, and offers examples of actions that can be taken to reduce implicit bias;
   (b) Provides information regarding cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgender persons, racial and ethnic minorities, religious minorities and women; and
   (c) Provides information regarding:
      (1) Socioeconomic conditions in various areas in this State; [and]
      (2) Historical inequities in the juvenile justice and criminal justice systems; [and]
      (3) The impact of trauma and adverse child experiences on the decision making and behaviors of children.

3. The [Attorney General] Division of Child and Family Services shall adopt regulations to carry out the provisions of this section. When adopting such regulations, the [Attorney General] Division of Child and Family Services may consult with any person whose assistance the [Attorney General] Division of Child and Family Services determines will be helpful.

4. The Nevada Supreme Court may provide by court rule for continuing appropriate training concerning implicit bias and cultural competency, incorporating the elements identified in subsection 2, for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with juveniles who are involved in the juvenile justice system.

5. As used in this section, “cultural competency” means an understanding of how people and institutions can respond respectfully and effectively to people of all cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities, religions, genders, gender identities or expressions, sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms and values the worth and preserves the dignity of people, families and communities.

Sec. 2. [Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:]

1. Any person who files with a court a petition that commences a juvenile proceeding shall also file an affidavit executed by the person which certifies that
(a) Every person who was involved in the decision to file the petition and is subject to the provisions of section 1 of this act has completed the training required by that section; and
(b) The petition is not being filed as a result of any inappropriate
discrimination on the basis of any protected class or characteristic.

2. A court shall not accept any petition that commences a juvenile
proceeding unless the petition is accompanied by the affidavit required pursuant to subsection 1.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional
expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.
2. Sections 1, 2 and 3 of this act become effective:
(a) Upon passage and approval for the purpose of adopting any regulations
and performing any preparatory administrative tasks that are necessary to carry
out the provisions of this act; and
(b) [On January 1, 2022:] Nine months after the date on which the
regulations adopted by the Division of Child and Family Services of the
Department of Health and Human Services pursuant to section 1 of this act
become effective for all other purposes.

Senator Scheible moved the adoption of the amendment.
Remarks by Senator Scheible.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 109.
Bill read second time.
The following amendment was proposed by the Committee on Government
Affairs:
Amendment No. 163.
SUMMARY—Revises provisions relating to the collection of certain
information by governmental agencies. (BDR 19-95)

AN ACT relating to governmental agencies; requiring governmental
agencies to request from certain persons information related to sexual
orientation and gender identity; or expression; providing, with certain
exceptions, that such information is confidential; requiring a governmental
agency to annually report certain information related to sexual orientation and
gender identity or expression to the Director of the Legislative Counsel
Bureau; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain governmental entities to collect certain
personal information. (Chapter 239B of NRS) Section 3 of this bill makes
certain legislative findings and declarations related to the collection by
governmental agencies of demographic information related to sexual
orientation and gender identity or expression. “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.

Section 2 of this bill defines “governmental agency” to include any unit of government of the State or a local government. Section 4 of this bill:
(1) requires a governmental agency that collects from a person demographic information related to the person’s race or ethnicity to also request information related to the person’s sexual orientation and gender identity or expression;
(2) provides, with limited exception, that such information is confidential; and
(3) authorizes the governmental agency to use such information only for certain purposes. Section 4 also provides that no person shall be required to provide to a governmental entity any information related to the person’s sexual orientation or gender identity or expression or denied services or assistance for failure to provide such information. Section 4 further requires a governmental agency to submit an annual report to the Director of the Legislative Counsel Bureau that includes a summary of the information received related to sexual orientation and gender identity or expression.

Section 5 of this bill makes a conforming change relating to the confidentiality of the information collected by a governmental agency related to sexual orientation and gender identity or expression.

Section 5.5 of this bill provides that a governmental agency that does not have the financial resources to comply with the requirements of section 4 is not required to comply with the provisions of section 4 until January 1, 2024. Any such governmental agency must submit an annual report to the Director of the Legislative Counsel Bureau that includes: (1) the specific reasons that the governmental agency has not complied with the requirements of section 4; and (2) the specific actions that the governmental agency has taken in the immediately preceding year toward compliance with the requirements of section 4.

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

Section 1. Chapter 239B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. As used in sections 3 and 4 of this act, “governmental agency” means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

Sec. 3. The Legislature finds and declares that:
1. It is the intent of the Legislature that, in collecting demographic information, governmental agencies must gather accurate information in order for the State and local governments to be able to enhance and improve public services to people in this State.
2. Various governmental agencies collect demographic information on race and ethnicity but there is limited collection by governmental agencies of
3. Compared to the broader community, lesbian, gay, bisexual, transgender and questioning persons experience disparities in their health and welfare and disproportionately high rates of poverty, suicide, homelessness, isolation, substance use disorders and violence. These problems are more prevalent for youth and seniors, communities of color and immigrants.

4. It is in the best interests of the State to respect, embrace and understand the full diversity of residents by collecting accurate demographic information to effectively implement and deliver critical services and programs.

Sec. 4. 1. A governmental agency that collects from a person demographic information related to the person’s race or ethnicity shall also request information related to the person’s sexual orientation and gender identity or expression. Except as otherwise provided in this section, all information related to a person’s sexual orientation or gender identity or expression that is received by a governmental agency is confidential.

2. No person shall be:
   (a) Required to provide to a governmental entity any information related to the person’s sexual orientation or gender identity or expression; or
   (b) Denied services or assistance from a governmental agency for failure to provide to the governmental agency any information related to the person’s sexual orientation or gender identity or expression.

3. A governmental entity that receives information related to a person’s sexual orientation or gender identity or expression may only use such information for demographic analysis, coordination of care and services, improvement of care and services, conducting research, fulfilling a reporting requirement pursuant to federal or state law or informing policy or funding decisions.

4. On or before December 31 of each year, a governmental agency shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a summary of the information received by the governmental agency related to sexual orientation or gender identity or expression, including, without limitation, the number of people who identify as lesbian, gay, bisexual or transgender, according to race and gender. All information must be reported in the aggregate and must not include any personally identifiable information.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in
this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:
   (1) Was not created or prepared in an electronic format; and
   (2) Is not available in an electronic format; or
(b) Providing the public record in an electronic format or by means of an electronic medium would:
   (1) Give access to proprietary software; or
   (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5.5. 1. Notwithstanding the provisions of section 4 of this act, if a governmental agency does not have sufficient financial resources to comply with the provisions of section 4 of this act, the governmental agency is not required to comply with the provisions of section 4 of this act until January 1, 2024. Any such governmental agency must, on or before January 1 of each year, starting on January 1, 2022, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a report which indicates:
(a) The specific reasons that the governmental agency has not complied with the requirements of section 4 of this act; and
(b) The specific actions that the governmental agency has taken in the immediately preceding year toward compliance with the requirements of section 4 of this act.

2. As used in this section, “governmental agency” has the meaning ascribed to it in section 2 of this act.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Dondero Loop moved the adoption of the amendment.
Remarks by Senator Dondero Loop.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 156.

Bill read second time.

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

Amendment No. 53.

SUMMARY—Revises provisions relating to crisis stabilization centers.

AN ACT relating to mental health; revising certain requirements for an endorsement as a crisis stabilization center; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to issue an endorsement as a crisis stabilization center to the holder of a license to operate a psychiatric hospital that meets certain requirements, including, without limitation, providing crisis stabilization services. Existing law defines “crisis stabilization services” to mean behavioral health services designed to: (1) de-escalate or stabilize a behavioral crisis; and (2) avoid admission of a patient to another inpatient mental health facility or hospital when appropriate. (NRS 449.0915) Section 1 of this bill expands the authority of the Division to issue an endorsement as a crisis stabilization center by authorizing the Division to issue such an endorsement to the holder of a license to operate any hospital that meets the requirements for the endorsement. Existing law authorizes the State Board of Health to impose fees for licensing by the Division and, thus, the State Board will be authorized to impose a fee for the issuance or renewal of an endorsement as a crisis stabilization center issued to a hospital pursuant to section 1. (NRS 439.150)

Existing law requires an applicant for renewal of an endorsement as a crisis stabilization center to be accredited by certain organizations. (NRS 449.0915) Section 1 expands the list of authorized accrediting organizations and exempts rural hospitals from the accreditation requirement.

Under existing law, the Department is required to take any action necessary to ensure that crisis stabilization services provided at a psychiatric hospital that holds an endorsement as a crisis stabilization center are reimbursable under Medicaid. (NRS 422.27238) Section 2 of this bill expands this requirement to include crisis stabilization services provided at any hospital that holds an endorsement as a crisis stabilization center.

Existing law requires a health maintenance organization or managed care organization that provides health care services to recipients of Medicaid or enrollees in the Children’s Health Insurance Program to negotiate in good faith to include a psychiatric hospital that holds an endorsement as a crisis stabilization center in the network of providers under contract to provide services to such persons. (NRS 695C.194, 695G.320) Sections 3 and 4 of this bill make conforming changes to these provisions of existing law to reflect that
any hospital meeting the requirements for the endorsement may obtain an endorsement as a crisis stabilization center.

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

Section 1. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a psychiatric hospital that meets the requirements of this section.

2. A psychiatric hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the psychiatric hospital to which the endorsement will apply:

(a) Does not exceed a capacity of 16 beds or constitute an institution for mental diseases, as defined in 42 U.S.C. § 1396d;

(b) Operates in accordance with established administrative protocols, evidenced-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;

(c) Delivers crisis stabilization services:

(1) To patients for not less than 24 hours in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the psychiatric hospital has such beds;

(2) In accordance with best practices for the delivery of crisis stabilization services; and

(3) In a manner that promotes concepts that are integral to recovery for persons with mental illness, behavioral health issues, including, without limitation, hope, personal empowerment, respect, social connections, self-responsibility and self-determination;

(d) Employs qualified persons to provide peer support services, as defined in NRS 449.01566, when appropriate;

(e) Uses a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;

(f) Accepts all patients, without regard to:

(1) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;

(2) Any social conditions that affect the patient;

(3) The ability of the patient to pay; or
(4) Whether the patient is admitted voluntarily to the [psychiatric] hospital pursuant to NRS 433A.140 or admitted to the [psychiatric] hospital under an emergency admission pursuant to NRS 433A.150;

(f) Performs an initial assessment on any patient who presents at the [psychiatric] hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;

(g) Has the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and

(h) Considers whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.

4. Crisis stabilization services that may be provided pursuant to paragraph (f) of subsection 3 may include, without limitation:

(a) Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;

(b) Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;

(c) Treatment specific to the diagnosis of a patient; and

(d) Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.

5. An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:

(a) The information described in subsection 3; and

(b) Proof that the [psychiatric] hospital is a rural hospital or is accredited by the Commission on Accreditation of Rehabilitation Facilities [or its successor organization], the Center for Improvement in Healthcare Quality, DNV GL Healthcare, the Accreditation Commission for Health Care or the Joint Commission, or [its] their successor [organization] organizations.

6. As used in this section, “crisis stabilization services” means behavioral health services designed to:

(a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

(b) When appropriate, avoid admission of a patient to another inpatient mental health facility or hospital and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

Sec. 2. NRS 422.27238 is hereby amended to read as follows:

422.27238 The Department shall take any action necessary to ensure that crisis stabilization services provided at a [psychiatric] hospital [established] with an endorsement as a crisis stabilization center pursuant to NRS 449.0915
are reimbursable under Medicaid to the same extent as if the services were provided in another covered facility.

Sec. 3. NRS 695C.194 is hereby amended to read as follows:

695C.194 A health maintenance organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall negotiate in good faith to enter into a contract with a [psychiatric] hospital with an endorsement as a crisis stabilization center pursuant to NRS 449.0915 to include the [psychiatric] hospital in the network of providers under contract with the health maintenance organization to provide services to recipients of Medicaid or enrollees in the Children’s Health Insurance Program, as applicable.

Sec. 4. NRS 695G.320 is hereby amended to read as follows:

695G.320 A managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall negotiate in good faith to enter into a contract with a [psychiatric] hospital with an endorsement as a crisis stabilization center pursuant to NRS 449.0915 to include the [psychiatric] hospital in the network of providers under contract with the managed care organization to provide services to recipients of Medicaid or insureds in the Children’s Health Insurance Program, as applicable.

Sec. 5. This act becomes effective on July 1, 2021.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 175.
Bill read second time.

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

Amendment No. 179.

SUMMARY—Enacts provisions relating to lupus. (BDR 40-8)

AN ACT relating to public health; requiring the Chief Medical Officer to establish and maintain a system for the reporting and analysis of certain information on lupus and its variants; authorizing administrative penalties for the failure to report certain information; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to report certain information on lupus and its variants; making an appropriation; and providing other matters properly relating thereto.
Existing law requires the Chief Medical Officer appointed by the Director of the Department of Health and Human Services to establish and maintain systems for the reporting of information on: (1) sickle cell disease and its variants, and (2) cancer and other neoplasms. (NRS 439.4929, 457.230) Existing law requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each reportable incidence of sickle cell disease or a variant thereof or cancer or another neoplasm. (NRS 439.4933, 457.250) Section 5 of this bill requires the Chief Medical Officer to establish and maintain a similar system for the reporting of information on lupus and its variants. Sections 5 and 6 of this bill require hospitals, medical laboratories, certain other facilities and providers of health care to report certain information prescribed by the State Board of Health concerning each case of lupus and its variants diagnosed or treated at the facility or by the provider, as applicable. Section 7 of this bill requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each case of lupus and its variants for abstraction by the Division of Public and Behavioral Health of the Department of Health and Human Services. Section 7 also requires the State Board of Health to adopt a schedule of fees which must be assessed to a health care facility for each case from which information is abstracted; and (2) provides for the imposition of an administrative penalty against a person that fails to make the records of the facility for each case of lupus and its variants available for abstraction. Sections 8 and 9 of this bill provide for analysis, reporting and research of the reported and abstracted information concerning cases of lupus and its variants. Section 10 of this bill requires the Division to apply for and accept gifts, grants and donations to carry out the provisions of sections 2-12 of this bill. Sections 6, 11 and 13 of this bill provide for the confidentiality of reported information concerning patients, physicians and facilities. Section 12 of this bill provides immunity from liability for any person or organization who discloses information in good faith to the Division in accordance with the requirements of sections 5-7. Section 14 of this bill makes an appropriation to the Department of Health and Human Services to pay for an employee to support the system for the reporting of information on lupus and its variants.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. As used in sections 2 to 12, inclusive, of this act, unless context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.
Sec. 3. “Health care facility” has the meaning ascribed to it in NRS 162A.740.

Sec. 4. “Lupus and its variants” means a chronic autoimmune disease that occurs when the immune system attacks tissues and organs which can cause inflammation and pain in any part of the body of the person with the disease.

Sec. 5. 1. The Chief Medical Officer shall, pursuant to regulations adopted by the State Board of Health pursuant to section 6 of this act, establish and maintain a system for the reporting of information on lupus and its variants. The Chief Medical Officer shall coordinate with the National Lupus Patient Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, when establishing and maintaining the system.

2. The system established pursuant to subsection 1 must include a record of the cases of lupus and its variants which occur in this State along with such information concerning the cases as may be appropriate to form the basis for:
   (a) Conducting comprehensive epidemiologic surveys of lupus and its variants in this State; and
   (b) Evaluating the appropriateness of measures for the treatment of lupus and its variants.

3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to lupus and its variants shall report the information prescribed by the State Board of Health pursuant to section 6 of this act to the system established pursuant to subsection 1.

4. Any provider of health care who diagnoses or provides treatment for lupus and its variants, except for cases directly referred to the provider or cases that have been previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report the information prescribed by the State Board of Health pursuant to section 6 of this act to the system established pursuant to subsection 1.

5. As used in this section:
   (a) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.
   (b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 6. The State Board of Health shall by regulation:
1. Prescribe the form and manner in which information on cases of lupus and its variants must be reported;
2. Prescribe the information that must be included in each report, which must include, without limitation:
   (a) The name, address, age and ethnicity of the patient;
   (b) The variant of lupus with which the person has been diagnosed;
(c) The method of treatment, including, without limitation, any opioid prescribed for the patient and whether the patient has adequate access to that opioid;

(d) Any other diseases from which the patient suffers;

(e) Information concerning the usage of and access to health care services by the patient; and

(f) If a patient diagnosed with lupus and its variants dies, his or her age at death; and

3. Establish a protocol for allowing appropriate access to and preserving the confidentiality of the records of patients needed for research into lupus and its variants.

Sec. 7. 1. The chief administrative officer of each health care facility in this State shall make available to the Chief Medical Officer or his or her representative the records of the health care facility for each case of lupus and its variants.

2. The Division shall abstract from the records of a health care facility or shall require a health care facility to abstract from the records of the health care facility such information as is required by the State Board of Health pursuant to section 6 of this act. The Division shall compile the information in a timely manner and not later than 6 months after the Division abstracts the information or receives the abstracted information from the health care facility.

3. The State Board of Health shall by regulation adopt a schedule of fees which must be assessed to a health care facility for each case from which information is abstracted by the Division pursuant to subsection 2.

Any person who violates this section is subject to an administrative penalty established by regulation by the State Board of Health.

Sec. 8. 1. The Division shall publish reports based upon the information obtained pursuant to sections 5, 6 and 7 of this act and make other appropriate uses of the information to report and assess trends in the usage of and access to health care services by patients with lupus and its variants in a particular area or population, advance research and education concerning lupus and its variants and improve the treatment of lupus and its variants and associated disorders. The reports must include, without limitation:

(a) Information concerning the locations in which patients diagnosed with lupus and its variants reside, the demographics of such patients and the utilization of health care services by such patients;

(b) The information described in paragraph (a), specific to patients diagnosed with lupus and its variants who are over 60 years of age; and

(c) The transition of patients diagnosed with lupus and its variants from pediatric to adult care upon reaching 18 years of age.

2. The Division shall provide any qualified researcher whom the Division determines is conducting valid scientific research with data from the
information reported pursuant to sections 5, 6 and 7 of this act upon the researcher’s:

(a) Compliance with appropriate conditions as established pursuant to regulations of the State Board of Health; and

(b) Payment to the Division of a fee established by the Division by regulation to cover the cost of providing the data.

Sec. 9. 1. The Chief Medical Officer or a qualified person designated by the Administrator of the Division shall analyze the information obtained pursuant to sections 5, 6 and 7 of this act and the reports published pursuant to section 8 of this act to determine whether any trends exist in the usage of and access to health care services by patients with lupus and its variants in a particular area or population.

2. If the Chief Medical Officer or the person designated pursuant to subsection 1 determines that a trend exists in the usage of and access to health care services by patients with lupus and its variants in a particular area or population, the Chief Medical Officer or the person designated pursuant to subsection 1 shall work with appropriate governmental, educational and research entities to investigate the trend, advance research in the trend and facilitate the treatment of lupus and its variants and associated disorders.

Sec. 10. The Division shall apply for and accept any gifts, grants and donations available to:

1. Carry out the provisions of sections 2 to 12, inclusive, of this act, including, without limitation, the provisions of subsection 1 of section 5 of this act requiring coordination with the National Lupus Patient Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

2. Coordinate and administer any other state programs relating to research concerning lupus and its variants or assistance to patients diagnosed with lupus and its variants;

3. Pay for research concerning lupus and its variants;

4. Provide education concerning lupus and its variants; and

5. Provide support to persons diagnosed with lupus and its variants.

Sec. 11. The Division shall not reveal the identity of any patient, physician or health care facility which is involved in the reporting required by section 7 of this act unless the patient, physician or health care facility gives prior written consent to such a disclosure.

Sec. 12. A person or governmental entity that provides information to the Division in accordance with sections 5, 6 and 7 of this act must not be held liable in a civil or criminal action for sharing confidential information unless the person or organization has done so in bad faith or with malicious purpose.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

and section 11 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without
limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:
   (1) Was not created or prepared in an electronic format; and
   (2) Is not available in an electronic format; or
(b) Providing the public record in an electronic format or by means of an electronic medium would:
   (1) Give access to proprietary software; or
   (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 14. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to pay for one full-time staff position to support the system for the reporting of information on lupus and its variants established pursuant to section 5 of this act the following sums:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021-2022</td>
<td>$87,593</td>
</tr>
<tr>
<td>2022-2023</td>
<td>$112,485</td>
</tr>
</tbody>
</table>

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 15. 1. This section [becomes] and section 14 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:
(a) Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and 

(b) On October 1, 2021, for all other purposes.

Senator Neal moved the adoption of the amendment.
Remarks by Senator Neal.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 247.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 152.
SUMMARY—Revises provisions relating to apprenticeships.
(BDR 53-575)
AN ACT relating to apprenticeships; revising the mandatory criteria for approval and registration under certain circumstances; revising requirements for the approval and registration of a proposed program; and providing other matters properly relating thereto.
Legislative Counsel’s Digest:
The federal National Apprenticeship Act of 1937 authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. § 50) The Secretary of Labor has adopted regulations implementing the National Apprenticeship Act which places the responsibility for accomplishing those goals in the United States Department of Labor, but authorizes the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where the apprenticeship laws of a state conform to the federal regulations and the entities of the state satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29)
In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29)
Under existing law, the apprenticeship program in Nevada is administered by the State Apprenticeship Director under the direction of the Executive Director of the Office of Workforce Innovation in the Office of the Governor and with the advice and guidance of the State Apprenticeship Council, which
has the authority to approve and register or reject proposed programs of apprenticeship. (NRS 223.820, 610.110, 610.120)

Section 1 of this bill revises the definition of “program” to more closely conform to federal regulations. Section 2 of this bill revises existing statutory requirements for the approval and registration of such programs in conformity with federal regulations to enable them, with one exception, to be structured as: (1) a time-based program, which preserves the existing requirement that an apprentice acquire at least 2,000 hours of on-the-job learning; (2) a competency-based program that measures skill acquisition through an apprentice’s successful demonstration of acquired skills and knowledge; or (3) a hybrid approach that combines elements of both. An apprentice program in the construction trades is required to be structured as a time-based program. Section 2 also: (1) prohibits the Council from approving a program that is proposed in a skilled trade for which there is already a program that has been approved and registered by the Council unless the program requires the completion of at least as many hours of on-the-job learning or at least the same number and quality of skills as all existing programs; and (2) prescribes the elements that the Council is required to consider to determine whether to approve or reject such a program.

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

Section 1. 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.
8. “Program” means a program of training and instruction as an apprentice in an apprenticeable occupation, as defined in 29 C.F.R. § 29.4.

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

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

Sec. 2. NRS 610.144 is hereby amended to read as follows:

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

(a) Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation, as defined in 29 C.F.R. § 29.4, and be subscribed to by a sponsor who has undertaken to carry out the program.

(b) Except as otherwise provided in this paragraph, use a:

(1) Time-based approach, as described in 29 C.F.R. § 29.5(b)(2)(i);

(2) Competency-based approach, as described in 29 C.F.R. § 29.5(b)(2)(ii); or

(3) Hybrid approach, as described in 29 C.F.R. § 29.5(b)(2)(iii).

A program for a construction trade must use a time-based approach.

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

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

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

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

(4) 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.

(d) Provide for the development of skills that are intended to enable an apprentice to engage in a skilled trade generally, rather than for a particular employer or sponsor.

(e) Contain:

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

(2) A term of apprenticeship that:

(I) If the program uses a time-based approach, requires the completion of not less than 2,000 hours of on-the-job learning, consistent with training requirements as established by practice in the trade;

(II) If the program uses a competency-based approach, specifies the skills that must be demonstrated by an apprentice and addresses how on-the-job learning will be integrated into the program; or
(III) If the program uses a hybrid approach, specifies the skills that must be acquired and the minimum number of hours of on-the-job learning that must be completed by an apprentice;

(3) 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;

(4) 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;

(5) 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 by a collective bargaining agreement or by the minimum apprentice wage established by the Council;

(6) 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;

(7) 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;

(8) 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;

(9) 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;

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

(11) 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;

(12) 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;

(13) 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;
(14) Provisions for the assurance of qualified training personnel and adequate supervision on the job;
(15) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship;
(16) An identification of the Office of Workforce Innovation as the agency for registration of the program;
(17) Provisions for the registration of agreements and of modifications and amendments thereto;
(18) 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;
(19) Provisions for the termination of an agreement during the probationary period by either party without cause;
(20) 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;
(21) The name and address of the appropriate authority under the program to receive, process and make disposition of complaints; and
(22) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the Council and applicable laws.

2. If a program of apprenticeship in a skilled trade is proposed by an employer or association of employers for approval and registration by the Council and the Council has previously approved and registered a program for the skilled trade, the Council shall provide a copy of the proposed program to the sponsor of the approved and registered program and hold a hearing before approving or rejecting the application. The Council shall not approve a proposed program pursuant to this subsection unless the program requires the completion of at least as many hours of on-the-job learning or the demonstration of at least the same number and quality of skills, or both, as applicable, as all existing approved and registered programs in the relevant skilled trade.

3. To determine whether a proposed program should be approved or rejected pursuant to subsection 2, the Council shall consider, in addition to the requirements in subsections 1 and 2, without limitation:
(a) Relevant information concerning the approved and registered program, including, without limitation, the standards for apprenticeship of the program;
(b) Whether the sponsor of the approved and registered program is jointly administered by labor and management;
(c) The provisions of any applicable collective bargaining agreements;
(d) Dictionaries of occupational titles;
(e) Opinions of experts provided by interested parties, including, without limitation, organized labor, licensed contractors and associations of contractors;

(f) Recognized labor and management practices in the relevant industry;

(g) Scope of work descriptions issued by the Office of Workforce Innovation and the United States Department of Labor; and

(h) The supply of skilled workers in the trade in relation to the demand for skilled workers in the trade and the extent to which the sponsor of the approved and registered program is willing and able to provide apprentices to the proposed program.

The Council may condition approval of the proposed program on the payment of [wages and benefits] compensation to apprentices that [are] is equal to or greater than the [wages] compensation provided by the approved and registered apprenticeship program.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

(To be entered at a later date.)

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 271.

SUMMARY—Enacts provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals. (BDR 50-871)

AN ACT relating to animals; enacting provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Wildlife Commissioners to adopt regulations to prohibit the importation, transportation and possession of any species of wildlife which the Commission determines is detrimental to the wildlife or habitat of wildlife in this State. (NRS 503.597) Section 7 of this bill prohibits a person from: (1) importing, possessing, selling, transferring or breeding a dangerous wild animal, as defined in section 4 of this bill, unless he or she is covered under one of the various exemptions to this prohibition; or (2) allowing a dangerous wild animal to come in direct contact with a person who is not covered under one of the exemptions. Sections 24 and 25 of this bill make conforming changes to provide that any regulations of the Commission may not conflict with certain provisions of this bill.

Sections 8 and 9 of this bill set forth the persons and facilities that are exempt from the prohibition on importing, possessing, selling, transferring or breeding
Section 7 of this bill exempts research facilities, certain nonprofit entities, licensed veterinarians, law enforcement officers, animal control authorities, the Department of Wildlife, entities accredited by the Association of Zoos and Aquariums or the Alliance of Marine Mammal Parks and Aquariums, certain holders of Class “C” licenses for exhibitors, and under certain circumstances persons transporting dangerous wild animals and animal shelters. Section 9 of this bill exempts a person who possessed a dangerous wild animal before July 1, 2021, if the person meets certain requirements.

Section 10 of this bill authorizes a law enforcement officer or an animal control authority to seize and impound a dangerous wild animal if the officer or authority, as applicable, believes that the person who owns or possesses the animal has violated certain requirements. Section 11 of this bill authorizes the forfeiture or voluntary relinquishment of a seized dangerous wild animal under certain circumstances, and section 12 of this bill provides for the disposition of a dangerous wild animal that is seized, forfeited or relinquished.

Section 13 of this bill authorizes a person or entity given temporary custody of a dangerous wild animal to petition a court to order the person from whom the animal was seized to post security to compensate the person or entity for the cost of caring for the animal and sets forth the requirements for this process. Section 14 of this bill provides that the provisions of this bill do not apply to the extent that those provisions conflict with certain provisions of law governing cruelty to animals. Section 16 of this bill provides that a person who violates certain provisions of this bill is subject to a civil penalty of not more than $20,000.

Existing law authorizes a board of county commissioners and city council to enact certain restrictions and ordinances concerning animals, including, prohibiting cruelty to animals and fixing, imposing and collecting license fees. (NRS 244.359, 266.325) Section 15 of this bill provides that the provisions of sections 2-16 must not be construed as prohibiting a county or a city from adopting or enforcing any rule or law that places additional restrictions or requirements on the importation, possession, sale, transfer or breeding of a dangerous wild animal. Sections 19 and 20 of this bill make conforming changes to limit the existing authority of a board of county commissioners and city council to enact restrictions and ordinances concerning animals such that any restrictions or ordinances may not conflict with certain provisions of this bill.

Sections 17, 22 and 23 of this bill make conforming changes to provide certain exceptions to existing provisions of law relating to the provisions in sections 2-16.

Sections 18 and 21 of this bill make conforming changes to certain existing definitions of “pet” and “animal” to provide that the terms do not include dangerous wild animals.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 50 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6.6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. “Animal control authority” means any entity designated by the county or city to enforce local ordinances and laws of this State relating to the control, shelter or welfare of animals. The term includes, without limitation, an animal control agency and a law enforcement agency.

Sec. 4. “Dangerous wild animal” means any of the following live animals held in captivity:

1. All elephants from the genera *Elephas* and *Loxodonta*.
2. All species of aardwolves and hyenas.
3. All species of primates, except humans.
4. The following species from the family Canidae:
   (a) Gray wolves (*Canis lupus*).
   (b) Red wolves (*Canis rufus*) that have been bred in captivity.
5. The following species from the family Felidae:
   (a) Cheetahs (*Acinonyx jubatus*), including hybrids thereof.
   (b) Clouded leopards (*Neofelis nebulosa* and *Neofelis diardi*), including hybrids thereof.
   (c) Jaguars (*Panthera onca*), including hybrids thereof.
   (d) Leopards (*Panthera pardus*), including hybrids thereof.
   (e) Lions (*Panthera leo*), including hybrids thereof.
   (f) Mountain lions (*Puma concolor*) that have been bred in captivity, including hybrids thereof.
   (g) Snow leopards (*Panthera uncia*), including hybrids thereof.
   (h) Tigers (*Panthera tigris*), including hybrids thereof.
6. The following species from the family Ursidae:
   (a) American black bears (*Ursus americanus*) that have been bred in captivity.
   (b) Asiatic black bears (*Ursus thibetanus*).
   (c) Brown bears (*Ursus arctos*).
   (d) Giant pandas (*Ailuropoda melanoleuca*).
   (e) Polar bears (*Ursus maritimus*).
   (f) Sloth bears (*Melursus ursinus*).
   (g) Spectacled bears (*Tremarctos ornatus*), including hybrids thereof.
   (h) Sun bears (*Helarctos malayanus*).

Sec. 5. 1. “Direct contact” means physical contact with or a situation of physical proximity where physical contact is possible with a dangerous wild animal.
2. The term includes, without limitation, a situation in which a photograph is taken with a dangerous wild animal without the presence of a permanent physical barrier which is designed to prevent physical contact between the public and the dangerous wild animal.

Sec. 6. “Law enforcement officer” means:
1. A sheriff of a county or metropolitan police department and any deputy thereof;
2. An employee of the Department of Public Safety who has the powers of a peace officer pursuant to NRS 289.270;
3. A police officer of a city or town; and
4. A game warden or other agent or employee of the Department of Wildlife; and
5. Any person acting under the authority of NRS 574.040.

Sec. 6.3. “Qualified production” means the preproduction, production and postproduction of:
1. A theatrical, direct-to-video or other media motion picture;
2. A made-for-television motion picture;
3. Visual effects or digital animation sequences;
4. A television pilot program;
5. Interstitial television programming;
6. A television, Internet or other media series, including, without limitation, a comedy, drama, miniseries, soap opera, talk show, game show or telenovela;
7. A reality show, if not less than six episodes are produced concurrently in this State and the total of the qualified direct production expenditures for those episodes is $500,000 or more;
8. A national or regional commercial or series of commercials;
9. An infomercial;
10. An interstitial advertisement;
11. A music video;
12. A documentary film or series; or
13. Any other visual media production, including, without limitation, video games and mobile applications.

Sec. 6.6. “Resort hotel” has the meaning ascribed to it in NRS 463.01865.

Sec. 7. 1. Except as otherwise provided in sections 8 and 9 of this act, a person shall not import, possess, sell, transfer or breed a dangerous wild animal in this State.
2. A person shall not allow a dangerous wild animal to come in direct contact with a person who is not exempt from subsection 1 pursuant to the provisions of section 8 or 9 of this act.

Sec. 8. The provisions of subsection 1 of section 7 of this act do not apply to:
1. A research facility, as defined in 7 U.S.C. § 2132.
2. Any nonprofit entity that provides refuge and care to animals or an animal shelter, as defined in NRS 574.240, which is temporarily housing a dangerous wild animal at the written request of a law enforcement officer or an animal control authority.

3. A veterinarian licensed pursuant to chapter 638 of NRS for the purpose of providing treatment to a dangerous wild animal.

4. A law enforcement officer or animal control authority for the purpose of enforcing local ordinances and the laws of this State.

5. The Department of Wildlife or the agents or employees thereof for the purpose of enforcing title 45 of NRS.

6. An institution or facility which is accredited by the Association of Zoos and Aquariums, or its successor organization, or the Alliance of Marine Mammal Parks and Aquariums, or its successor organization.

7. A holder of a Class “C” license for exhibitors, as defined in 9 C.F.R. § 1.1, including, without limitation, a resort hotel, circus, qualified production or zoological park, that:
   (a) Has not been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal.
   (b) Does not employ any person who has:
      (1) Direct contact with a dangerous wild animal; and
      (2) Been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal.
   (c) Except as otherwise provided in this paragraph, has not:
      (1) Had a license or permit for the care, possession, sale, exhibition or breeding of animals revoked or suspended by any federal, state or local governmental entity;
      (2) Received an official warning of violation of federal regulation from the United States Department of Agriculture within the immediately preceding 3 years; or
      (3) Entered into any stipulation, consent decree or settlement with the United States Department of Agriculture within the immediately preceding 5 years. A Class “C” licensee shall disclose to a law enforcement officer or an animal control authority, upon request, any pending investigations that the United States Department of Agriculture is conducting. A Class “C” licensee to which the circumstances in this paragraph apply has 90 days after the license or permit is revoked or suspended or after entering the stipulation, consent decree or settlement, as applicable, to fix the issue or issues that resulted in such circumstance before the licensee is subject to the prohibitions set forth in section 7 of this act.
   (d) Has not been cited within the immediately preceding 3 years by the United States Department of Agriculture for jeopardizing the health or well-being of a dangerous wild animal by:
      (1) Providing inadequate veterinary care to the dangerous wild animal;
      (2) Inappropriately handling a dangerous wild animal that caused:
(I) Stress or trauma to the dangerous wild animal; or  
(II) A threat to public safety; or  
(3) Providing inadequate food, water, shelter or space to the dangerous wild animal.

(e) Has not been cited within the immediately preceding 3 years by the United States Department of Agriculture for:

(1) Refusing access to any site registered under the Class “C” license by an inspector of the United States Department of Agriculture; or  
(2) Interfering with an inspection.

(f) Maintains liability insurance in an amount not less than $250,000 per occurrence covering property damage or bodily injury or death caused by any dangerous wild animal that the Class “C” licensee possesses.

(g) Has [annual] a written plan, which the Class “C” licensee shall provide upon request to the sheriff or metropolitan police department, as applicable, or the animal control authority having jurisdiction over the location of the holder, for the quick and safe recapture or destruction of a dangerous wild animal that escapes from captivity, including, without limitation, written protocols for training employees of the Class “C” licensee concerning methods of the safe recapture of a dangerous wild animal that escapes from captivity.

(h) Files an annual list with the sheriff or metropolitan police department, as applicable, or the animal control authority having jurisdiction over the location of the Class “C” licensee setting forth all dangerous wild animals which are acquired or disposed of by the Class “C” licensee during the calendar year for which the Class “C” licensee files the list.

- Any plan provided to or list filed with any sheriff, metropolitan police department or animal control authority pursuant to paragraph (g) or (h) is confidential and must be securely maintained by the sheriff, metropolitan police department or animal control authority to whom the plan is provided or with whom the list is filed. An officer, employee or other person to whom a plan or list is entrusted by a sheriff, metropolitan police department or animal control authority shall not disclose the contents of the plan or list except upon the order of a court of competent jurisdiction or as is necessary in the event of an emergency involving public health or safety.

8. A person, including, without limitation, a person who is located within this State and who is exempt pursuant to this section, transporting a legally possessed dangerous wild animal through this State for not more than 24 hours if the dangerous wild animal is:

(a) Not exhibited during transport; and  
(b) At all times while in this State, kept in a cage or travel container that is appropriate to the species and the size of the dangerous wild animal and meets the requirements of 9 C.F.R. § 3.137 or 3.87, as applicable.
police department, as applicable, and animal control authorities having
jurisdiction in an area through which the dangerous wild animal will be
transported at least 72 hours before transporting the legally possessed
dangerous wild animal in this State. Such notice must identify the number and
type of dangerous wild animals that will be transported and any veterinary
certificates or other permits required by federal, state or local law.

Sec. 9. The provisions of subsection 1 of section 7 of this act do not apply
to a person who lawfully possessed a dangerous wild animal before July 1,
2021, if that person:
1. Has not:
   (a) Been convicted of or fined by any federal, state or local governmental
       entity for an offense involving the abuse or neglect of an animal; or
   (b) Had a license or permit relating to the care, possession, sale, exhibition
       or breeding of animals revoked or suspended by any federal, state or local
       governmental entity;
2. Does not acquire any additional dangerous wild animals through
   purchase, donation or breeding on or after July 1, 2021, except in compliance
   with section 8 of this act;
3. If selling or transferring a dangerous wild animal to another person:
   (a) Notifies the sheriff or metropolitan police department, as applicable,
       and animal control authority with jurisdiction over the location where the
dangerous wild animal is kept in writing not less than 72 hours before the sale
   or transfer of the name and address of the recipient of the dangerous wild
   animal; and
   (b) Complies with all applicable local, state and federal laws;
4. Maintains all veterinary records and any documents evidencing the
   acquisition of the dangerous wild animal to establish that the person possessed
   the dangerous wild animal before July 1, 2021;
5. Maintains a written plan which must be based on the recommended
   standards of the American Veterinary Medical Association, or its successor
   organization, for the handling, restraint, tranquilization and euthanasia of a
   dangerous wild animal, which he or she shall provide upon request to the
   sheriff or metropolitan police department, as applicable, and animal control
   authority having jurisdiction over the location of the person, concerning:
   (a) The quick and safe recapture or destruction of a dangerous wild animal
       that escapes from captivity; and
   (b) The protocol for managing the dangerous wild animal during an
       emergency;
6. Has sufficient training to provide appropriate care for the dangerous
   wild animal that he or she possesses;
7. Registers with the sheriff or metropolitan police department, as
   applicable, and the local animal control authority with jurisdiction over the
   premises where the dangerous wild animal is located within 2 months after
   July 1, 2021, and annually thereafter. Such registration must:
(a) Provide the number and species of all dangerous wild animals possessed; and
(b) Show proof of liability insurance in an amount not less than $250,000 per occurrence covering property damage or bodily injury or death caused by any dangerous wild animal that the person possesses.

The sheriff or metropolitan police department, as applicable, and the animal control authority may charge and collect reasonable fees for the application for, issuance of and renewal of a registration in an amount which is equal to any administrative and enforcement costs.

Sec. 10. 1. A law enforcement officer or an animal control authority may seize a dangerous wild animal if the officer or authority has probable cause to believe that the person who owns or possesses the dangerous wild animal has violated any provision of section 7, 8 or 9 of this act.

2. A law enforcement officer or an animal control authority may impound a dangerous wild animal seized pursuant to subsection 1 on the property of the person who owns or possesses the dangerous wild animal until a transfer and placement of the dangerous wild animal becomes possible.

Sec. 11. 1. If a person from whom a dangerous wild animal is seized pursuant to section 10 of this act is found to have violated a provision of section 7, 8 or 9 of this act, the court may order the forfeiture of the dangerous wild animal by the person.

2. A person from whom a dangerous wild animal is seized pursuant to section 10 of this act may voluntarily relinquish the dangerous wild animal. A person who voluntarily relinquishes a dangerous wild animal pursuant to this section remains subject to the imposition of a civil penalty pursuant to section 16 of this act for a violation of a provision of section 7, 8 or 9 of this act.

3. Except as otherwise provided in subsection 4, a dangerous wild animal that is forfeited pursuant to this section may be returned to the owner of the dangerous wild animal if the investigating law enforcement officer or animal control authority determines that:

(a) Possession of the dangerous wild animal is allowed by law;
(b) The owner has corrected each violation resulting in the forfeiture;
(c) The return of the dangerous wild animal does not create a risk to public health or safety;
(d) The dangerous wild animal has not been treated cruelly; and
(e) The owner is in compliance with the provisions of this chapter.

4. A dangerous wild animal that is forfeited pursuant to this section must not be returned to the owner if the investigating law enforcement officer or animal control authority determines that possession of the dangerous wild animal is prohibited pursuant to this chapter or title 45 of NRS. If possession of the dangerous wild animal is prohibited by law, the dangerous wild animal must be humanely euthanized by an animal control authority in compliance with all applicable federal, state and local laws.
Sec. 12. 1. A dangerous wild animal that is seized pursuant to section 10 of this act, voluntarily relinquished pursuant to section 11 of this act or forfeited pursuant to section 11 or 13 of this act must be placed in the custody of a person or entity that is exempted from the provisions of subsection 1 of section 7 of this act pursuant to section 8 of this act.

2. The dangerous wild animal may be humanely euthanized by an animal control authority in compliance with all applicable federal, state and local laws if the placement of the dangerous wild animal:
   (a) Is not possible after reasonable efforts by a law enforcement officer or an animal control authority to make such a placement;
   (b) Is prohibited pursuant to title 45 of NRS; or
   (c) Creates a risk to public health or safety.

Sec. 13. 1. A person or entity with whom a dangerous wild animal is placed pursuant to section 12 of this act may file a petition in any court of competent jurisdiction to request that the person from whom the dangerous wild animal was seized be ordered to post security adequate to ensure the full payment of all reasonable costs incurred in caring for the dangerous wild animal during the pendency of any proceedings regarding the disposition of the dangerous wild animal.

2. A petitioner who files a petition pursuant to subsection 1 must serve a copy of the petition upon the person from whom the dangerous wild animal was seized and the law enforcement officer or animal control agent who seized the dangerous wild animal, if other than the petitioner.

3. The court shall set a hearing on any petition filed pursuant to subsection 1 to be held within 5 business days after service of the petition pursuant to subsection 2. At the hearing, the court may determine whether any additional interested parties must be served with the petition. If the court determines that additional parties must be served with the petition, the hearing must be continued to provide time for the petitioner to serve the interested parties with the petition and for the interested parties to respond to the petition.

4. If a court orders the posting of security pursuant to a hearing on a petition, the court may require the entire amount of the security to be posted within 5 business days after the issuance of the order or may allow the person from whom the dangerous wild animal was seized to make installment payments of the total amount ordered. If the security is not paid as ordered by the court, the dangerous wild animal must be forfeited and the law enforcement officer or animal control authority that seized the dangerous wild animal shall proceed pursuant to section 12 of this act.

5. Upon resolution of the proceedings regarding the disposition of the dangerous wild animal that was seized, the person having custody of the animal must refund to the person who posted the security any portion of the security remaining.
Sec. 14. The provisions of this chapter do not apply to the extent that those provisions conflict with or are otherwise inconsistent with the provisions of chapter 574 of NRS.

Sec. 15. The provisions of this chapter must not be construed to prohibit a county or a city from adopting or enforcing any rule or law that places additional restrictions or requirements on the importation, possession, sale, transfer or breeding of dangerous wild animals.

Sec. 16. A person who violates any provision of this chapter is subject to a civil penalty of not more than $20,000.

Sec. 17. NRS 571.210 is hereby amended to read as follows:

571.210 1. Except as otherwise provided in this section and sections 2 to 16, inclusive, of this act, a person, or the person’s agent or employee may bring into this State any animal not under special quarantine by the State of Nevada, the Federal Government, or the state, territory or district of origin in compliance with regulations adopted by the State Quarantine Officer.

2. Notice that an animal is in transit is not required unless the animal remains in this State, or is to be unloaded in this State to feed and rest for longer than 48 hours.

3. A person, or the person’s agent or employee shall not bring any animal into this State unless he or she has obtained a health certificate showing that the animal is free from contagious, infectious or parasitic diseases or exposure thereto. This requirement does not apply to any animal whose accustomed range is on both sides of the Nevada state line and which is being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon. The State Quarantine Officer shall adopt regulations concerning the form of the certificate.

4. A person, or the person’s agent or employee shall not:

(a) Alter a health certificate; or

(b) Divert any animal from the destination described on the health certificate without notifying the State Quarantine Officer within 72 hours after the diversion of the animal.

5. To protect this State from the effects of chronic wasting disease, a person, or the person’s agent or employee shall not knowingly bring into this State any live:

(a) Elk (Cervus elaphus);

(b) Mule deer (Odocoileus hemionus);

(c) White-tailed deer (Odocoileus virginianus);

(d) Moose (Alces alces);

(e) Alternative livestock, unless in accordance with a permit obtained pursuant to NRS 576.129; or

(f) Other animal that the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State.
6. Any animal knowingly brought into this State in violation of this section may be seized, destroyed or sent out of this State by the State Quarantine Officer within 48 hours. The expense of seizing, destroying or removing the animal must be paid by the owner or the owner’s agent in charge of the animal and the expense is a lien on the animal, unless it was destroyed, until paid.

Sec. 18. NRS 574.615 is hereby amended to read as follows:

574.615 1. “Pet” means an animal that is kept by a person primarily for personal enjoyment.

2. The term does not include an:

(a) An animal that is kept by a person primarily for:
   (1) Hunting;
   (2) Use in connection with farming or agriculture;
   (3) Breeding;
   (4) Drawing heavy loads; or
   (5) Use as a service animal or a service animal in training, as those terms are defined in NRS 426.097 and 426.099, respectively; or

(b) A dangerous wild animal as defined in section 4 of this act.

Sec. 19. NRS 244.359 is hereby amended to read as follows:

244.359 1. Each board of county commissioners may enact and enforce an ordinance or ordinances:

(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.

(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.

(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper’s duties.

(d) Prohibiting cruelty to animals.

(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.

2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.

3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed $500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this subsection, “horse tripping” does not include tripping a horse to provide medical or other health care for the horse.
4. The provisions of this section apply only to the extent that they do not conflict with the provisions of sections 2 to 16, inclusive, of this act.

Sec. 20. NRS 266.325 is hereby amended to read as follows:

266.325 1. The city council may:

- (a) Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.
- (b) Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.
- (c) Establish a pound, appoint a poundkeeper and prescribe the poundkeeper’s duties.
- (d) Prohibit cruelty to animals.

2. The provisions of this section apply only to the extent that they do not conflict with the provisions of sections 2 to 16, inclusive, of this act.

Sec. 21. NRS 278.0177 is hereby amended to read as follows:

278.0177 1. “Rural preservation neighborhood” means a subdivided or developed area:

- (a) Which consists of 10 or more residential dwelling units;
- (b) Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;
- (c) Which has no more than two residential dwelling units per acre; and
- (d) Which allows residents to raise or keep animals noncommercially.

2. As used in this section, the term “animal” does not include a dangerous wild animal as defined in section 4 of this act.

Sec. 22. NRS 501.379 is hereby amended to read as follows:

501.379 1. Except as otherwise provided in this section and sections 2 to 16, inclusive, of this act:

(a) It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.

(b) The importation and sale of products made from the meat of game mammals, game birds or game amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.

2. The provisions of this section do not apply to alternative livestock and products made therefrom.

Sec. 23. NRS 503.590 is hereby amended to read as follows:

503.590 1. Except as otherwise provided in this section and sections 2 to 16, inclusive, of this act, a person may maintain a noncommercial collection of legally obtained live wildlife if:
(a) Such a collection is not maintained for public display nor as a part of or
adjunct to any commercial establishment; and
(b) The wildlife contained in such a collection is of a species which may be
possessed in accordance with regulations adopted by the Commission pursuant
to subsection 2 of NRS 504.295.
2. The Commission may adopt reasonable regulations establishing
minimum standards for the fencing or containment of any collection of
wildlife.
3. The provisions of this section do not apply to alternative livestock and
products made therefrom.
Sec. 24. NRS 503.597 is hereby amended to read as follows:
503.597 1. Except as otherwise provided in this section [and sections 2 to 16, inclusive, of this act, it is unlawful, except by the written]
consent and approval of the Department, for any person at any time to receive,
bring or have brought or shipped into this State, or remove from one stream or
body of water in this State to any other, or from one portion of the State to any
other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or
young of any of them.
2. The Department shall require an applicant to conduct an investigation
to confirm that such an introduction or removal will not be detrimental to the
wildlife or the habitat of wildlife in this State. Written consent and approval of
the Department may be given only if the results of the investigation prove that
the introduction, removal or importation will not be detrimental to existing
aquatic life or wildlife, or any spawn, eggs or young of any of them.
3. The Commission may through appropriate regulation provide for the
inspection of such introduced or removed creatures and the inspection fees
therefor.
4. [The] To the extent that such regulations do not conflict with the
provisions of sections 2 to 16, inclusive, of this act, the Commission may adopt
regulations to prohibit the importation, transportation or possession of any
species of wildlife which the Commission deems to be detrimental to the
wildlife or the habitat of the wildlife in this State.
5. A person who knowingly or intentionally introduces, causes to be
introduced or attempts to introduce an aquatic invasive species or injurious
aquatic species into any waters of this State is guilty of:
(a) For a first offense, a misdemeanor; and
(b) For any subsequent offense, a category E felony and shall be punished
as provided in NRS 193.130.
6. A court before whom a defendant is convicted of a violation of
subsection 5 shall, for each violation, order the defendant to pay a civil penalty
of at least $25,000 but not more than $250,000. The money must be deposited
into the Wildlife Account in the State General Fund and used to:
(a) Remove the aquatic invasive species or injurious aquatic species;
(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;
(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;
(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and
(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to:
(a) Alternative livestock and products made therefrom; or
(b) The introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:
(a) “Aquatic invasive species” means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.
(b) “Injurious aquatic species” means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:
   (1) Predation;
   (2) Parasitism;
   (3) Interbreeding; or
   (4) The transmission of disease.

Sec. 25. NRS 504.295 is hereby amended to read as follows:
504.295 1. Except as otherwise provided in this section and NRS 503.590, and sections 2 to 16, inclusive, of this act, or unless otherwise specified by a regulation adopted by the Commission, no person may:
(a) Possess any live wildlife unless the person is licensed by the Department to do so.
(b) Capture live wildlife in this State to stock a commercial or noncommercial wildlife facility.
(c) Possess or release from confinement any mammal for the purposes of hunting.

2. To the extent that such regulations do not conflict with the provisions of sections 2 to 16, inclusive, of this act, the Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.

3. Except as otherwise provided in sections 2 to 16, inclusive, of this act, in accordance with the regulations of the Commission, the Department
may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.

4. The provisions of this section do not apply to alternative livestock and products made therefrom.

Sec. 26 This act becomes effective on July 1, 2021.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

(To be entered at a later date.)

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 371.

Bill read second time.

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

Amendment No. 224.

SUMMARY—Revises provisions relating to motor vehicles.

(BDR 43-837)

AN ACT relating to motor vehicles; revising provisions governing the pilot program that the Department of Motor Vehicles is required to conduct to gather data relating to certain motor vehicles in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Motor Vehicles to conduct a pilot program to gather data on the annual vehicle miles traveled by certain motor vehicles registered in this State. As part of the pilot program, the Department is required to gather data on mileage, type of vehicle and type of fuel system for each such motor vehicle and produce a report every 6 months for the Legislature and the respective Chairs of the Assembly and Senate Standing Committees on Growth and Infrastructure. (NRS 482.2175) Existing law requires the owners of certain motor vehicles in this State to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration, if applicable. (NRS 482.2177) Sections 2 and 3 of this bill remove the requirement for such reporting for recreational vehicles.

Under existing law, the Department of Motor Vehicles is prohibited from releasing personal information from a file or record relating to a driver’s license or identification card or the title or registration of a motor vehicle except under certain circumstances. One such authorized disclosure under existing law is to an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors in connection with activities relating to the rating, underwriting or investigation of claims or the prevention
of fraud. (NRS 481.063) Sections 1 and 2 of this bill prohibit disclosure to an insurer, self-insurer, or to an agent, employee or contractor thereof, or to a related organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors information provided to the Department as part of the pilot program in connection with activities relating to the rating, underwriting, cancellation or nonrenewal of liability coverage for motor vehicles.

Existing law requires the Department to adopt certain regulations relating to the pilot program. (NRS 482.2175) Section 2 authorizes the Department to adopt regulations providing for an administrative fine for failure by an owner of a motor vehicle to report in a timely manner mileage and other information, if required, as part of the pilot program.

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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.
When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:
   (a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or
   (b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4, 6 and 7 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver’s license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 8, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver’s license, identification card, or title or registration of a vehicle for use:
   (a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver’s license, identification card, or title or registration of a vehicle.
   (b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.
   (c) In connection with matters relating to:
      (1) The safety of drivers of motor vehicles;
      (2) Safety and thefts of motor vehicles;
      (3) Emissions from motor vehicles;
      (4) Alterations of products related to motor vehicles;
(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;
(6) Monitoring the performance of motor vehicles;
(7) Parts or accessories of motor vehicles;
(8) Dealers of motor vehicles; or
(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) Except as otherwise provided in subsection 6 of NRS 482.2175, by any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver’s license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Upon the request of a court or its traffic violations bureau, the Director shall release the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the driver’s license of the person or the title or registration of the person’s vehicle for the purpose of enabling the court or traffic violations bureau to provide notifications concerning the traffic citation to the person.

8. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:
(a) Each person to whom the information is provided; and
(b) The purpose for which that person will use the information.

The record must be made available for examination by the Department at all reasonable times upon request.

9. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person’s privacy.

10. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

11. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

12. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person’s ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department’s files and records may be obtained and the limited uses which are permitted;
(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;
(c) Understands that a record will be maintained by the Department of any information he or she requests; and
(d) Understands that a violation of the provisions of this section is a criminal offense.

13. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

14. As used in this section:

(a) “Information relating to legal presence” means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver’s license that a person possesses is a
driver authorization card, whether the person applied for a driver’s license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver’s license.

(b) “Personal information” means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver’s license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) “Vehicle” includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2.  NRS 482.2175 is hereby amended to read as follows:

482.2175  1.  The Legislature hereby finds and declares that:
(a) The State faces major financial challenges to adequately fund the construction and maintenance of the highways of this State as revenues from taxes imposed on fuel, at both the state and federal level, long used to fund construction and maintenance of the highways of this State and many other states, have declined primarily because of the improved efficiency of the motor vehicles operated on the highways of this State.

(b) The Legislature must seek significant and innovative solutions in order to meet the challenges of adequately funding the construction and maintenance of the highways of this State into the future, among them the concept of basing revenue collection on the annual vehicle miles traveled by each vehicle using the highways of this State.

2.  The Legislature therefore directs the Department of Motor Vehicles to conduct a pilot program to gather data on annual vehicle miles traveled and other relevant information for certain motor vehicles registered in this State.

3.  Upon receipt of the information obtained pursuant to NRS 482.2177, the Department shall compile the data and prepare a report on the annual vehicle miles traveled of those motor vehicles in this State required to provide odometer readings pursuant to NRS 482.2177 by categories determined by the Department, including, without limitation, the annual vehicle miles traveled by:

(a) Type of motor vehicle, including, without limitation:
   (1) Passenger car;
   (2) Light-duty;
   (3) Heavy-duty;
   (4) Motortruck;
   (5) Truck-tractor; and
   (6) Bus.  [and
   (7) Recreational vehicle.]
(b) Weight of motor vehicle, including, without limitation:
   (1) Less than 6,000 pounds;
   (2) From 6,000 pounds to 8,499 pounds;
   (3) From 8,500 pounds to 10,000 pounds;
   (4) From 10,001 pounds to 26,000 pounds;
   (5) From 26,001 pounds to 80,000 pounds; and
   (6) Over 80,000 pounds.
(c) Motor vehicle fuel type or power source, including, without limitation:
   (1) Compressed natural gas;
   (2) Diesel;
   (3) Electric;
   (4) Flexible fuel E85;
   (5) Flexible fuel M85;
   (6) Hybrid diesel;
   (7) Hybrid electric;
   (8) Hybrid gasoline/gasohol;
   (9) Hydrogen;
   (10) Gasoline/gasohol;
   (11) Liquefied natural gas; and
   (12) Propane.

4. Beginning not later than December 31, 2019, the Department shall compile all the information available to produce the report required pursuant to subsection 3 every 6 months, and shall transmit the report not later than January 1 and July 1 of each year to:
   (a) The Chair of the Assembly Standing Committee on Growth and Infrastructure;
   (b) The Chair of the Senate Standing Committee on Growth and Infrastructure; and
   (c) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

5. The Department may apply for and accept gifts, grants and donations to assist with the implementation of the pilot program.

6. The Department shall not disclose any information provided to the Department pursuant to NRS 482.2177 to an insurer, self-insurer, or to the agents, employees or contractors thereof, or to any organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting, cancellation or nonrenewal of insurance required by NRS 485.185.

7. The Department shall:
(a) [Adopt] Shall adopt regulations which establish procedures for implementing the pilot program, including, without limitation, those procedures required for:

(1) A person to provide to the Department the mileage shown on the odometer of each vehicle and other information as required by NRS 482.2177; and

(2) Any exemptions from the requirements of NRS 482.2177 that the Department deems appropriate to avoid undue hardship for the registered owner of a motor vehicle.

(b) [Investigate] May adopt regulations providing for an administrative fine for failure to comply in a timely manner with the requirements of NRS 482.2177.

8. The Department shall investigate and, where possible, implement technology or other solutions which allow a person required to provide to the Department the mileage shown on the odometer of his or her vehicle and other information pursuant to NRS 482.2177 to provide that digitally or electronically to the Department.

Sec. 3. NRS 482.2177 is hereby amended to read as follows:

482.2177 1. Except as otherwise provided in subsection 4, upon application for the initial registration of any motor vehicle pursuant to this chapter, the applicant shall provide the Department or registered dealer the mileage shown on the odometer of the vehicle at the time of application and any other information required by the Department. Upon application for the transfer of registration pursuant to NRS 482.399 to another motor vehicle, the applicant shall provide to the Department or registered dealer the mileage shown on the odometer of the vehicle to which the registration is to be transferred at the time of application and any other information required by the Department.

2. At the time of renewal of registration of a motor vehicle pursuant to this chapter, the mileage shown on the odometer of the vehicle and any other information required by the Department must be provided to the Department as follows:

(a) If the vehicle is required upon renewal of registration to submit evidence of compliance with standards for the control of emissions pursuant to chapter 445B of NRS, the mileage shown on the odometer of the vehicle at the time of the inspection and any other information required by the Department must be noted on the evidence of compliance.

(b) If the vehicle is not required upon renewal of registration to submit evidence of compliance with standards for the control of emissions pursuant to chapter 445B of NRS, the mileage shown on the odometer of the vehicle at the time of renewal and any other information required by the Department must be noted by the owner in a manner prescribed by the Department.

3. Upon the transfer of the ownership of or interest in a motor vehicle and the expiration of the registration pursuant to NRS 482.399, the holder of the
original registration must provide to the Department the mileage shown on the odometer of the vehicle at the time of the transfer and any other information required by the Department in a manner prescribed by the Department.

4. The provisions of this section do not apply to a:
   (a) Motorcycle or moped.
   (b) Recreational vehicle.
   (c) Vehicle that is exempt from registration pursuant to NRS 482.210.
   (d) Vehicle registered as a farm vehicle.
   (e) Vehicle that is registered through the Motor Carrier Division pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which has a declared gross weight in excess of 10,000 pounds.
   (f) Vehicle that has been exempted by regulations adopted pursuant to subsection 7 of NRS 482.2175.

5. The Department or its agents may inspect the odometer of a vehicle for which the mileage shown on the odometer is reported pursuant to paragraph (b) of subsection 2 not more than once every 2 years to verify the mileage reported.

Sec. 4. 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. 5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 6. This act becomes effective upon passage and approval and expires by limitation on December 31, 2026.

Senator Harris moved the adoption of the amendment.
Remarks by Senator Harris.
(To be entered at a later date.)

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 55, 69, 175 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.
Motion carried.

REPORTS OF COMMITTEE

Madam President:
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: Amend, and do pass as amended.

MELANIE SCHEIBLE, Chair
Senator Cannizzaro moved that the Senate adjourn until Thursday, April 15, 2021, at 11:00 a.m. Motion carried.

Senate adjourned at 3:42 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate