

NEVADA LEGISLATURE

81st Session, 2021

SENATE DAILY JOURNAL

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 17, 2021

Senate called to order at 12:28 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend JJ Tuttle.

Merciful God, be gracious to these, our lawmakers. Shower Your mercy on them as they continue to take on the challenges of their office. Schedules press on them, and obligations pursue them all day long. No one more than You knows the pace they keep, the long days and restless nights, the unrelenting schedule they juggle. In You, may they find their rest. Keep their feet from falling, that they may walk before You in the light May Your light shine on their lives. In You, may they place their trust. Keep their consciences clear and their motives pure as You guide their decisions. In You, may they be assured that their worries and concerns are known. Keep them in Your care, that nothing can snatch them from Your hand. To You, may they turn, confident of Your deliverance and sure in the stamina You provide. To You, may they offer their praise, and to Your Word may they turn.

In Your saving Name, we pray.

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 Assembly Bills Nos. 250, 277, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Assembly Bills Nos. 231, 261, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 88, 105, 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 Finance, to which were referred Senate Bills Nos. 415, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 87, 100, 103, 111, 139, 184, 187, 236, 245, 249, 304, 307, 316, 325, 336, 378, 397, 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 32, 320, 388, 412, 444, 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 were referred Assembly Bills Nos. 343, 345, 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 107, 112, 113, 140, 141, 145, 212, 318, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Harris has returned to full participation in the Senate Chamber, and the use of remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate is no longer necessary.

Senator Neal has returned to full participation in the Senate Chamber, and the use of remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate is no longer necessary.

Senator Cannizzaro moved that Assembly Joint Resolution No. 3 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Assembly Joint Resolution No. 10.

Resolution read.

Remarks by Senator Ohrenschall.

Assembly Joint Resolution 10 proposes to amend both the Ordinance of the *Nevada Constitution* and the language of the *Nevada Constitution* itself to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment.

If this resolution is approved this Session and in identical form during the 2023 Legislative Session, the proposed Amendment to the *Nevada Constitution* and its Ordinance will be submitted to the voters for final approval or disapproval at the 2024 General Election.

Roll call on Assembly Joint Resolution No. 10:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

By Senators Cannizzaro and Settlemeyer:

Senate Resolution No. 4—Providing for the compensation of the clergy and the coordinator of the clergy for services rendered to the Senate during the 81st Session of the Nevada Legislature.

Resolution read.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senator Cannizzaro.

Senate Resolution No. 4 provides compensation for the Senator clergy for the 2021 Legislative Session. I extend a vote of thanks for the extraordinary service provided by our clergy coordinator, Nick Emery, and for all of our daily chaplains who have been patient with us as we move through these longer agendas and longer waiting periods. Our clergy and others are always giving us words of encouragement to keep us going through these 120 days, and we are extremely grateful for them.

Resolution adopted.

Senator Cannizzaro moved that, for the remainder of the 81st Legislative Session, all necessary rules be suspended, and that all bills and resolutions reported out of Committee be immediately placed on the appropriate reading files.

Remarks by Senator Cannizzaro.

This suspension allows bills and resolutions to be considered for further Senate consideration the same day they are reported out of Committee.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 81st Legislative Session all necessary rules be suspended, and that the reprinting of all bills and resolutions, amended on the General File or the Resolution File, be dispensed with, that the Secretary be authorized to insert all amendments adopted by the Senate, and that the bill or resolution be placed back on the appropriate reading file and considered next.

Remarks by Senator Cannizzaro.

This suspension eliminates having to wait for a reprint from the Legal Division before the Senate can vote on the passage of a bill or joint resolution or the adoption of a concurrent or house resolution.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 81st Legislative Session, Senate Standing Rule No. 92 be suspended which pertains to Committee meetings' notice of bills and resolutions, topics and public hearings.

Remarks by Senator Cannizzaro.

This suspension allows greater flexibility for Committees to schedule hearings, as needed, to consider exempt Assembly measures that may still need hearings in Senate Policy Committees and to consider Senate bills and resolutions that have been amended by the Assembly.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 81st Legislative Session, all necessary rules be suspended, and that all Senate bills and resolutions that have been passed or adopted by the Senate be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Cannizzaro.

Immediately transmitting all Senate measures provides the Assembly an opportunity to begin processing these measures the same day they are acted upon by the Senate. The President will announce the transmittal of Senate bills and resolutions each time which provides members the opportunity to reconsider or rescind the Senate's action. Once Senate measures have been transmitted to the Assembly, the Senate has no jurisdiction as to further options for legislative action at that time.

Motion carried.

Senator Cannizzaro moved that, for the remainder of the 81st Legislative Session, all necessary rules be suspended, and that all Assembly bills and resolutions that have been passed or adopted by the Senate be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Cannizzaro.

Immediately transmitting Assembly measures with Senate amendments provides the Assembly an opportunity to consider these measures under their Unfinished Business File. The President will announce the transmittal of these Assembly bills and resolutions each time which will provide members with the opportunity to reconsider or rescind the Senate's action. Once these Assembly measures have been transmitted to the Assembly, the Senate has no jurisdiction as to further options for legislative action unless these measures should later return to the Senate under Unfinished Business.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 70, Assembly Bill No. 58, be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 292 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 411.
Bill read second time and ordered to third reading.

Senate Bill No. 412.
Bill read second time and ordered to third reading.

Senate Bill No. 413.
Bill read second time and ordered to third reading.

Senate Bill No. 414.
Bill read second time and ordered to third reading.

Senate Bill No. 418.
Bill read second time and ordered to third reading.

Senate Bill No. 423.
Bill read second time and ordered to third reading.

Senate Bill No. 425.
Bill read second time and ordered to third reading.

Senate Bill No. 426.
Bill read second time and ordered to third reading.

Senate Bill No. 427.
Bill read second time and ordered to third reading.

Senate Bill No. 429.
Bill read second time and ordered to third reading.

Senate Bill No. 431.
Bill read second time and ordered to third reading.

Senate Bill No. 432.
Bill read second time and ordered to third reading.

Senate Bill No. 433.
Bill read second time and ordered to third reading.

Senate Bill No. 434.
Bill read second time and ordered to third reading.

Senate Bill No. 435.
Bill read second time and ordered to third reading.

Senate Bill No. 436.
Bill read second time and ordered to third reading.

Senate Bill No. 438.
Bill read second time and ordered to third reading.

Senate Bill No. 443.
Bill read second time and ordered to third reading.

Senate Bill No. 444.

Bill read second time and ordered to third reading.

Assembly Bill No. 51.

Bill read second time and ordered to third reading.

Assembly Bill No. 89.

Bill read second time and ordered to third reading.

Assembly Bill No. 91.

Bill read second time and ordered to third reading.

Assembly Bill No. 95.

Bill read second time and ordered to third reading.

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 101.

Bill read second time and ordered to third reading.

Assembly Bill No. 102.

Bill read second time and ordered to third reading.

Assembly Bill No. 109.

Bill read second time and ordered to third reading.

Assembly Bill No. 130.

Bill read second time and ordered to third reading.

Assembly Bill No. 136.

Bill read second time and ordered to third reading.

Assembly Bill No. 143.

Bill read second time and ordered to third reading.

Assembly Bill No. 166.

Bill read second time and ordered to third reading.

Assembly Bill No. 169.

Bill read second time and ordered to third reading.

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 522.

SUMMARY—Revises provisions relating to prescriptions. (BDR 54-61)

AN ACT relating to pharmacy; requiring certain pharmacies to provide certain information regarding a prescription in a language other than English under certain circumstances; requiring such pharmacies to post notice of the

rights of a patient to request information in language other than English; providing immunity from civil liability to a pharmacy or employee for injuries resulting from the translation of such information by a third party under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to regulate the practice of pharmacy and the sale and dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) Existing law prescribes requirements for labeling containers for prescription drugs. (NRS 639.2801) This bill requires each pharmacy, except for an institutional pharmacy, to provide the ~~information~~ specific directions for use required to be included on the label of a prescription drug in English and, upon request of a prescribing practitioner, patient or an authorized representative of a patient, any language prescribed by regulations adopted by the Board. This bill provides that if a pharmacy enters into a contract with a third party for the translation of the information required to be provided by the pharmacy, the pharmacy and any employee of the pharmacy are not liable in any civil action for any injury resulting from the translation by the third party which is not the result of negligence, recklessness or deliberate misconduct of the pharmacy or employee. Finally, this bill requires a pharmacy subject to this requirement to post in a conspicuous place: (1) notice of the rights of a patient to request information in a language other than English; and (2) a list of every language in which such information may be made available.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each pharmacy, except for an institutional pharmacy, shall, upon the request of a prescribing practitioner, a patient or an authorized representative of a patient, provide the information required by subsection 6 of NRS 639.2801 in English and any language in which the information is required to be provided pursuant to subsection 3.*

2. *Each pharmacy subject to the requirements of subsection 1 shall post in a conspicuous place:*

(a) Notice of the rights of a patient to request information in a language other than English pursuant to subsection 1; and

(b) A list of every language in which such information is available.

3. *The Board shall adopt regulations prescribing every language in which a pharmacy is required to provide information required by NRS 639.2801. The languages in which a pharmacy is required to provide such information must be specified by the regulations adopted by the Board pursuant to this section based on demographic trends and projections.*

4. *The Board may adopt such other regulations as are necessary to carry out the provisions of this section.*

5. If a pharmacy enters into a contract with a third party for the translation of the information that the pharmacy is required to provide pursuant to this section, the pharmacy and any employee of the pharmacy are not liable in any civil action for any injury resulting from the translation by the third party which is not the result of negligence, recklessness or deliberate misconduct of the pharmacy or employee.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose 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 ~~January~~ July 1, 2022, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 522 to Assembly Bill No. 177 revises the information that must be provided in languages prescribed by the State Board of Pharmacy. It provides that if a pharmacy enters into a contract with a third party for the translation of the required information, neither the pharmacy nor its employees are liable in any civil action for any injury resulting from the translation as long as it is not the result of negligence, recklessness or deliberate misconduct.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time and ordered to third reading.

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 520.

SUMMARY—Revises provisions relating to mental health. (BDR 40-522)

AN ACT relating to mental health; providing for the reporting of certain information by certain providers of health care relating to attempted suicide; requiring certain insurers and other organizations providing health coverage to adhere to certain provisions of federal law; requiring certain insurers and other organizations providing health coverage to submit information demonstrating mental health parity and addiction equity compliance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose to report that fact and certain additional information to the Chief Medical Officer pursuant to procedures adopted by regulation by the State Board of Health. (NRS 441A.120, 441A.150) Existing law: (1) makes it a misdemeanor for a provider of health care to willfully fail to make such a report; and (2) additionally subjects a provider of health care who willfully

fails to make such a report to an administrative fine. (NRS 441A.920) Sections 6.2 and 6.4 of this bill additionally require ~~[a provider]~~ certain providers of health care designated by the State Board of Health who ~~knows~~ know of, or ~~provides~~ provide services to, a person who ~~has died by suicide,~~ has attempted suicide or is suspected of having attempted suicide to report that fact to the Chief Medical Officer pursuant to procedures adopted by regulation by the State Board of Health. If such a provider of health care provides services in a medical facility, section 6.4 authorizes the medical facility to submit the report on behalf of the provider. Section 6.6 of this bill provides for the confidentiality of personal information concerning ~~[a suicide or]~~ an attempted suicide reported to the Chief Medical Officer. Section 6.8 of this bill subjects a provider of health care who willfully fails to make such a report to the same misdemeanor penalty and administrative fine as a provider of health care who willfully fails to report a drug overdose. Section 6.4 requires the Chief Medical Officer to annually compile and submit to the Patient Protection Commission a report summarizing the information he or she receives from providers of health care concerning attempted suicide.

The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 prohibits group health plans and health insurance issuers that provide benefits for mental health or substance use disorders from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. (Pub. L. No. 100-343, 122 Stat. 3765) Existing state law requires certain insurers or other organizations providing health coverage to comply with the Act. (NRS 687B.404) Section 9 of this bill additionally requires health insurers regulated under state law, other than state and local governmental entities that provide health coverage for their employees, to comply with the Act. Section 9 requires the Commissioner to annually prescribe and provide to insurers a data request that solicits information necessary to evaluate the compliance of the insurer with those federal requirements. Section 8.3 of this bill exempts the adoption and amendment of the data request from requirements concerning the procedures set forth in existing law for adopting regulations. Section 9 requires an insurer to either complete the data request or submit to the Commissioner a copy of a report submitted to the Federal Government demonstrating compliance with those federal requirements. Sections 8.6 and 9 of this bill provide that such information reported by insurers is confidential. Section 9 requires the Commissioner to annually submit a report summarizing the information that he or she receives from insurers to the Patient Protection Commission, the Governor and the Legislature.

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.2. NRS 441A.120 is hereby amended to read as follows:

441A.120 1. The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

(a) The diseases which are known to be communicable.

(b) The communicable diseases which are known to be sexually transmitted.

(c) The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.

(d) For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.

(e) A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

2. The Board shall adopt regulations governing the procedures for reporting cases or suspected cases of drug overdose ~~+, suicide+ and attempted suicide~~ to the Chief Medical Officer or his or her designee, including ~~the~~ without limitation:

(a) The time within which such reports must be made and the information that such reports must include.

(b) The providers of health care who are required to report a case or suspected case of attempted suicide.

3. The duties set forth in the regulations adopted by the Board pursuant to subsection 1 must be performed by:

(a) In a district in which there is a district health officer, the district health officer or the district health officer's designee; or

(b) In any other area of the State, the Chief Medical Officer or the Chief Medical Officer's designee.

Sec. 6.4. NRS 441A.150 is hereby amended to read as follows:

441A.150 1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board.

2. A provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose shall report that fact and the information required by the Board pursuant to

NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer or his or her designee shall upload that information to the database of the program established pursuant to NRS 453.162 if the program allows for the upload of such information.

3. ~~4.1~~ Except as otherwise provided in this subsection, a provider of health care who is required by the regulations adopted pursuant to NRS 441A.120 to report a case or suspected case of attempted suicide and knows of, or provides services to, a person who ~~has died by suicide,~~ has attempted suicide or is suspected of having attempted suicide shall report that fact and the information required by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. If such a provider of health care provides services at a medical facility, the medical facility may submit the report on behalf of the provider. The Chief Medical Officer shall annually compile and submit to the Patient Protection Commission created by NRS 439.908 a report summarizing the information reported pursuant to this subsection.

4. A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease, ~~or~~ who has suffered or is suspected of having suffered a drug overdose ~~or who ~~has died by suicide,~~ has attempted suicide or is suspected of having attempted suicide~~ shall establish administrative procedures to ensure that the health authority or Chief Medical Officer or his or her designee, as applicable, is notified.

~~4.1~~ 5. A laboratory director shall, in the manner prescribed by the Board, notify the health authority of the identification by his or her medical laboratory of the presence of any communicable disease in the jurisdiction of that health authority. The health authority shall not presume a diagnosis of a communicable disease on the basis of the notification received from the laboratory director.

~~5.1~~ 6. If more than one medical laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the results of the testing directly to the provider of health care for the patient shall also be responsible for reporting to the health authority.

Sec. 6.6. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, ~~or~~ drug overdose ~~[, suicide] or attempted suicide,~~ or by any person who has a communicable disease, ~~or~~ has suffered a drug overdose ~~[, has died by suicide] or has attempted suicide,~~ or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except:

1. As otherwise provided in NRS 439.538.

2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

3. In a prosecution for a violation of this chapter.

4. In a proceeding for an injunction brought pursuant to this chapter.

5. In reporting the actual or suspected abuse or neglect of a child or elderly person.

6. To any person who has a medical need to know the information for his or her own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

7. If the person who is the subject of the information consents in writing to the disclosure.

8. Pursuant to subsection 4 of NRS 441A.320 or NRS 629.069.

9. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

10. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

11. If the disclosure is authorized or required by NRS 239.0115 or another specific statute.

Sec. 6.8. NRS 441A.920 is hereby amended to read as follows:

441A.920 Every provider of health care, medical facility or medical laboratory that willfully fails, neglects or refuses to comply with any regulation of the Board relating to the reporting of a communicable disease ~~or~~, a drug overdose ~~or a suicide~~ or an attempted suicide or any requirement of this chapter is guilty of a misdemeanor and, in addition, may be subject to an administrative fine of \$1,000 for each violation, as determined by the Board.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; ~~or~~

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive ~~+~~; *or*

(i) *The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.*

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 8.6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,

281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,

685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, 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. 9. NRS 687B.404 is hereby amended to read as follows:

687B.404 1. An insurer or other organization providing health coverage pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C, ~~or~~ 695F or 695G of NRS, including, without limitation, a health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid, shall ~~comply with~~ adhere to the applicable provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, and any federal regulations issued pursuant thereto.

2. On or before July 1 of each year, the Commissioner shall prescribe and provide to each insurer or other organization providing health coverage subject to the provisions of subsection 1 a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § 300gg-26(a)(8).

3. On or before October 1 of each year, each insurer or other organization providing health coverage subject to the provisions of subsection 1 shall:

(a) Complete and submit to the Commissioner the data request prescribed pursuant to subsection 2; or

(b) Submit to the Commissioner a copy of a report submitted by the insurer or other organization to the Federal Government demonstrating compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § 300gg-26(a)(8). The Commissioner may request from an insurer or other organization who submits a copy of such a report any supplemental information necessary to determine whether the insurer or other organization is in compliance with that federal law.

4. Any information provided by an insurer or other organization to the Commissioner pursuant to subsection 3 is confidential.

5. On or before December 31 of each year, the Commissioner shall compile a report summarizing the information submitted to the Commissioner pursuant to this section and submit the report to:

(a) The Patient Protection Commission created by NRS 439.908;

(b) The Governor; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Legislative Committee on Health Care.

6. *The Commissioner may adopt any regulations necessary to carry out the provisions of this section.*

Sec. 10. (Deleted by amendment.)

Sec. 10.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10.5, 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 January 1, 2022, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 520 to Assembly Bill No. 181 deletes references to "suicide" and "died by suicide" and requires the State Board of Health to adopt regulations governing the healthcare providers who are required to report a case or suspected case of attempted suicide. It authorizes a medical facility to report required information on behalf of healthcare providers who work at the facility.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time and ordered to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 197.

Bill read second time and ordered to third reading.

Assembly Bill No. 205.

Bill read second time and ordered to third reading.

Assembly Bill No. 210.

Bill read second time and ordered to third reading.

Assembly Bill No. 215.

Bill read second time and ordered to third reading.

Assembly Bill No. 228.

Bill read second time and ordered to third reading.

Assembly Bill No. 235.

Bill read second time and ordered to third reading.

Assembly Bill No. 254.

Bill read second time and ordered to third reading.

Assembly Bill No. 258.
Bill read second time and ordered to third reading.

Assembly Bill No. 278.
Bill read second time and ordered to third reading.

Assembly Bill No. 302.
Bill read second time and ordered to third reading.

Assembly Bill No. 344.
Bill read second time and ordered to third reading.

Assembly Bill No. 360.
Bill read second time and ordered to third reading.

Assembly Bill No. 385.
Bill read second time and ordered to third reading.

Assembly Bill No. 390.
Bill read second time and ordered to third reading.

Assembly Bill No. 414.
Bill read second time and ordered to third reading.

Assembly Bill No. 419.
Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 513.

SUMMARY—Revises provisions governing charter schools.
(BDR 34-751)

AN ACT relating to education; establishing various provisions relating to the sponsorship and governance of charter schools; requiring the disclosure of certain information relating to the management of charter schools; setting forth certain requirements for charter schools that have received certain low ratings of performance on the statewide system of accountability for public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Public Charter School Authority is required to sponsor charter schools whose applications have been approved by the State Public Charter School Authority. The Department of Education is authorized to approve an application by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 388A.220) Section 3 of this bill requires the sponsor of a charter school to establish standards for the governance of each charter school which it sponsors. Under section 3, the sponsor of a charter school is required to :(1) provide training to the governing body of each charter school it sponsors on the governance of charter schools, ~~or~~ ; or (2) identify an organization approved by the sponsor to provide training on the

governance of charter schools. Section 3 also requires each member of the governing body of a charter school to complete training on the governance of charter schools at certain times. Section 4 of this bill requires each member of the State Public Charter School Authority to complete training on the responsibilities of the member and the governance of charter schools.

Section 5 of this bill requires the governing body of a charter school to disclose certain information regarding a charter management organization or educational management organization with which the charter school has entered into a contract to provide services to the charter school. Section 6 of this bill requires the governing body of a charter school that receives services from an educational management organization to disclose certain information regarding the educational management organization and certain contracts held by members of the governing body of the charter school on the Internet website of the charter school and to the sponsor of the charter school. Section 6 also authorizes the sponsor of a charter school to request certain information and conduct investigations.

Existing law establishes a statewide system of accountability for public schools. (NRS 385A.600-385A.840) Under existing law, the governing body of a charter school is authorized to request a change in the sponsorship of the charter school. (NRS 388A.231) Existing law also authorizes the sponsor of a charter school to reconstitute the governing body of a charter school or terminate a charter contract in certain circumstances. (NRS 388A.330) Section 7 of this bill requires the sponsor of a charter school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools in each of the last 3 consecutive years and has not requested a change in sponsorship to submit a report to the Legislative Committee on Education of information relating to actions the sponsor of the charter school has taken to reconstitute the governing body of the charter school or terminate the charter contract.

Existing law sets forth various requirements for a proposed sponsor of a charter school to review an application to form a charter school. (NRS 388A.249) Existing law authorizes the governing body of a charter school to request to amend its charter contract. (NRS 388A.276) Section 9 of this bill requires the proposed sponsor to consider the academic, financial and organizational performance of charter schools that currently hold a contract with the proposed operators of a proposed charter school. Section 11.3 of this bill imposes similar requirements on the sponsor of a charter school that requests to amend its charter contract.

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

Section 1. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. *The sponsor of a charter school shall establish standards for the governance of each charter school which it sponsors.*

2. The sponsor of a charter school shall provide training on the governance of charter schools to the governing body of each charter school which it sponsors ~~for~~ or identify an organization approved by the sponsor of the charter school to provide training on the governance of charter schools.

3. Each member of the governing body of a charter school must complete the training provided by the sponsor of the charter school or an organization identified by the sponsor of the charter school pursuant to subsection 2 on the governance of a charter school:

- (a) Before the opening of the charter school; and
- (b) Every 3 years thereafter.

Sec. 4. Each member of the State Public Charter School Authority must complete training:

1. At the time the member is appointed to the State Public Charter School Authority, on the responsibilities of the member and any framework used by the State Public Charter School Authority in performing its duties; and

2. Each year, on the evaluation of applications to form charter schools and the governance of charter schools.

Sec. 5. Each year, each governing body of a charter school shall post on its Internet website the definition of a charter management organization and an educational management organization and whether the charter school is operated by a charter management organization or receives services from an educational management organization and, if so, the name of the charter management organization or educational management organization.

Sec. 6. 1. The governing body of a charter school that receives services from an educational management organization shall:

(a) Post to the Internet website of the charter school:

(1) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110;

(2) Information on the contract with the charter management organization or the educational management organization, including, without limitation:

(I) The amount of money received by the educational management organization from public and private sources to carry out the terms of the contract;

(II) The expenditures of the educational management organization relating to carrying out the contract, including, without limitation, the payment of salaries, benefits and bonuses; and

(III) An identification of each contract, transaction and agreement entered into by the educational management organization relating to carrying out the contract with the charter school, including, without limitation, contracts, transactions and agreements with parent organizations, subsidiaries and partnerships of the educational management organization; and

(3) To the extent practicable, information on any contract between a member of the governing body of the charter school or any member of the

family of the member of the governing body and another charter school, sponsor of a charter school, charter management organization or educational management organization.

(b) Submit information on the contract with the educational management organization and a letter describing whether the governing body of the charter school is satisfied with the contractual relationship with the educational management organization to the sponsor of the charter school.

2. The sponsor of a charter school may, after reviewing the information provided pursuant to paragraph (b) of subsection 1, request additional information, conduct an investigation or otherwise take action relating to the information received by the sponsor of the charter school.

3. On or before December 15 of each odd-numbered year, the sponsor of a charter school that receives information on a contract between the governing body of a charter school and an educational management organization pursuant to subsection 1 shall submit a report of such information to the Legislative Committee on Education.

Sec. 7. On or before December 15 of each odd-numbered year, the sponsor of a charter school must submit a report describing any actions the sponsor of the charter school has taken pursuant to NRS 388A.330 to the Legislative Committee on Education if:

1. The charter school has received, within each of the immediately preceding 3 consecutive school years, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

2. The governing body of the charter school does not plan to close the charter school pursuant to NRS 388A.306 or change the sponsorship of the charter school pursuant to NRS 388A.231.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and

determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application; ~~and~~

(f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223 ~~+~~; *and*

(g) *Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.*

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor;

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.

5. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School

Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.3. NRS 388A.276 is hereby amended to read as follows:

388A.276 The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. *The sponsor of the charter school shall consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the current or proposed operators, including, without limitation, a charter management organization or educational management organization, of the charter school.* If the proposed amendment complies with the provisions of this chapter and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

Sec. 11.7. NRS 388A.320 is hereby amended to read as follows:

388A.320 1. Unless a waiver is granted pursuant to subsection 2 of NRS 388A.243, the governing body of a charter school must consist of:

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

(b) One member who:

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

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

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

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

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 2 of NRS 388A.243, not more than

two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

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

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the sponsor or an application to form a charter school or amend a charter contract provides that the member would receive such training or read and understand such material.

(c) Complies with the requirements of NRS 388A.323.

4. *A person who wishes to serve on the governing body shall disclose to the sponsor of the charter school any conflicts of interest concerning the person or any family member of the person and a charter management organization, educational management organization or other person with which the governing body of the charter school has entered into a contract to provide any services at the charter school in the immediately preceding year.*

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

~~{5-}~~ 6. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

~~{6-}~~ 7. As used in subsection 1, "teacher" means a person who:

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

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

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

Sec. 12. (Deleted by amendment.)

Sec. 13. 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. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

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

(b) On July 1, 2021, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 513 to Assembly Bill No. 419 allows charter school sponsors to use another organization to provide charter school governance training to charter school governing bodies.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 421.

Bill read second time and ordered to third reading.

Assembly Bill No. 430.

Bill read second time and ordered to third reading.

Assembly Bill No. 435.

Bill read second time and ordered to third reading.

Assembly Bill No. 452.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 546.

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 approved providers of programs of workforce recruitment, assessment and training 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.]~~ used to carry out certain programs of workforce development. The balance remaining in the Account that has not been committed for expenditure at the end of an odd-numbered fiscal year reverts to the State General Fund. (NRS 231.151) Section 4 of this bill provides that any ~~[income and interest earned on]~~ money remaining in the Account ~~[must be credited to the Account only after deducting any applicable charges.]~~ at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.

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

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~~

~~(e)}~~ (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

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

~~[(d)]~~ (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 ~~[provide publicity for]~~ promote the program of workforce recruitment, assessment and training and for job recruiting and assessments conducted through the program;

~~[(c)]~~ To provide instructional services;

~~[(d)]~~ (e) To provide analysis of on-site training;

~~[(e)]~~ (f) 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;

~~[(f)]~~ (g) 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

~~[(g)]~~ (h) 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 ~~[a]~~ 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 ~~8~~ 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
- ~~(e)~~ (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~~ *Any money* remaining in the Account ~~[that has not been committed for expenditure on or before June 30 of an odd-numbered]~~ *at the end of a* fiscal year ~~[reverts]~~ *does not revert* to the State General Fund ~~[.]~~ *and must be carried forward to the next fiscal year.*

~~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.~~

4. Any interest or income earned on the money in the Account must be credited to the Account.

5. Any claims against the Account must be paid as other claims against the State are paid.

Sec. 5. 1. This ~~act becomes~~ section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2021.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Amendment No. 546 to Senate Bill No. 24 authorizes money in the Workforce Innovations for a New Nevada (WINN) Account at the end of a fiscal year to be retained in the Account and balanced forward to the next fiscal year rather than revert to the State General Fund. The amendment also removes a provision in the original bill that would have allowed State General Fund appropriations in the WINN Account to collect interest.

Amendment adopted.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 24, as amended, revises the eligibility criteria for workforce development programs administered by the Governor's Office of Economic Development (GOED) and changes the administration of the WINN Account. Specifically, 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. It 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 money in the WINN Account at the end of a fiscal year is to remain in the Account and be carried forward to the next fiscal year.

Roll call on Senate Bill No. 24:

YEAS—21.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 34 renames existing personnel of the State Department of Agriculture charged with enforcing certain laws as agricultural police officers and authorizes the Director of the Department to appoint such officers. The bill increases the minimum requirement of certification to qualify for these positions from a category 2 to a category 1 peace officer. This change makes applicable to agricultural police officers the industrial insurance coverage for police officers; exemption from service as grand or trial jurors; the compensation for police officers with temporary disabilities, and eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any child of police officers and firefighters.

They are already serving as category 2 peace officers, and this brings them up to category 1. I urge your support.

Roll call on Senate Bill No. 34:

YEAS—20.

NAYS—Hansen.

Senate Bill No. 34 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 55 transfers the duties of regulating employee leasing companies from the Administrator of the Division of Industrial Relations (DIR) of the Department of Business and Industry to the Nevada Labor Commissioner. The bill also replaces the defined term "employee leasing company" with the term "professional employer organization" and authorizes the Labor Commissioner to adopt regulations governing professional employer organizations, as well as impose an administrative fine to a licensee for a violation of any statutory provisions. Finally, the bill revises the definition of "client company" and "professional employer organization" to allow professional employer organizations to manage the labor compliance services of the client company without hiring and leasing back the client company's employees.

Roll call on Senate Bill No. 55:

YEAS—17.

NAYS—Buck, Hansen, Pickard, Settelmeyer—4.

Senate Bill No. 55 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 154.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 154 requires DHSS to apply for a waiver from the federal government to receive federal funding to include Medicaid coverage in the State Plan for substance-use disorder treatment for individuals institutionalized for mental diseases. The bill authorizes DHSS to apply

for a similar waiver to treat adults with serious mental illness or children with severe emotional disturbance in an institution for mental disease. What this bill does is we are applying to the federal government for a waiver to a rule that says you cannot use Medicaid dollars for any facility over 16 beds. If we are successful, it will mean significant increase in services for substance-use disorder and serious mental illness and emotional disturbance. I urge your support.

Roll call on Senate Bill No. 154:

YEAS—21.

NAYS—None.

Senate Bill No. 154 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 158.

Bill read third time.

Remarks by Senator Ohrenschaal.

Within current law, eligibility for the Kinship Guardianship program requires that a child not have, as placement options for permanent placement, the ability to return to the home of origin or be adopted. Senate Bill No. 158, as amended, specifies that for a child or relative to be eligible for the Kinship Guardianship program, return to the home of origin or adoption must not be appropriate permanency options for the child, as determined by the child-welfare agency. If this bill passes, it will help relatives receive more funding to care for children in the foster care system. Studies show these children do better if they are placed with relatives. I urge your support.

Roll call on Senate Bill No. 158:

YEAS—21.

NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 194.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 194, as amended, requires the Superintendent of Public Instruction to establish a State Seal of Civics Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in civics.

Additionally, Senate Bill No. 194, as amended, establishes the criteria for earning a State Seal of Civics and requires the Superintendent of Public Instruction to adopt regulations that establish criteria for the Superintendent to designate a school, pupil or teacher or other school employee as a School of Civic Excellence, Student Civic Leader or Educator Civic Leader, respectively.

Finally, Senate Bill No. 194, as amended, requires the board of trustees of each school district to aggregate and report to the Nevada Department of Education the results of students completing the civics portion of the naturalization test utilized by the United States Citizenship and Immigration Services of the Department of Homeland Security. It adds civics to the list of subjects included within social studies. Beginning with the graduating class of 2027, it requires instruction in social studies to require a pupil to complete a service learning project during high school. It also includes additional communities in the list of communities whose culture, history and contributions must be examined to the standards of content and performance for ethnic and diversity studies for certain pupils by the Council to Establish Academic Standards for Public Schools.

Roll call on Senate Bill No. 194:

YEAS—21.

NAYS—None.

Senate Bill No. 194 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 385.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 385, as amended, requires the Division of Child and Family Services to conduct a study over the 2021-2022 Interim concerning investments in juvenile justice prevention activities in the State. The study must include a review of current investments in juvenile justice in the State, a survey of best practices and funding mechanisms for juvenile justice prevention activities in other jurisdictions and recommendations for improving investments in juvenile justice prevention activities in this State.

The Division of Child and Family Services is required to submit a report to the Juvenile Justice Oversight Commission as well as the Legislative Committee on Child Welfare and Juvenile Justice by August 1, 2022.

Roll call on Senate Bill No. 385:

YEAS—21.

NAYS—None.

Senate Bill No. 385 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 430.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 430 makes various changes concerning the governance and scope of the Nevada Infrastructure Bank. Among other things, the bill expands the Board of Directors of the Bank to include the Director of the Office of Energy. It expands the list of projects that may be funded through loans or other financial assistance from the Bank to include projects relating to water, wastewater, renewable energy, recycling and sustainability, digital, social and economic development infrastructure. It authorizes the Bank to provide loans and financial assistance to Indian reservations, Indian colonies and private, nonprofit entities created for charitable or educational purposes.

Roll call on Senate Bill No. 430:

YEAS—21.

NAYS—None.

Senate Bill No. 430 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 2 expands the pool the Governor has for appointment to public bodies and removes the prohibition stating a person could only serve on one board, commission or similar body at a time.

Roll call on Assembly Bill No. 2:

YEAS—21.

NAYS—None.

Assembly Bill No. 2 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 13 revises the information that the State Controller must include in the annual report of certain financial information provided to the Governor and the Legislature. The bill requires that the report provide a complete statement of the change from the immediately preceding fiscal year in the assets, liabilities, resources of the State, and the amounts of expenditures and revenues for the programs provided by the State.

Roll call on Assembly Bill No. 13:

YEAS—21.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 14.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 14 changes the required frequency of meetings of the Nevada Resilience Advisory Committee, the Nevada Tribal Emergency Coordinating Council and the State Disaster Identification Coordination Committee. The bill also removes the requirement that the State Disaster Identification Coordination Committee or a subcommittee thereof perform certain duties upon activation. Finally, the bill makes certain reports submitted by a provider of healthcare to the State Disaster Identification Coordination Committee discretionary during a state of emergency, declaration of disaster, a public-health emergency or other health event.

Roll call on Assembly Bill No. 14:

YEAS—21.

NAYS—None.

Assembly Bill No. 14 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 19 changes the subjects included within the social studies core academic subject by removing government and, instead, includes civics, financial literacy and multicultural education. The bill also exempts the adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education from the process generally required for adopting regulations. The bill requires that all regulations establishing standards of content and performance for courses of study in public schools be removed from Nevada Administrative Code.

Roll call on Assembly Bill No. 19:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 19 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 20.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 20 makes various changes to provisions relating to the transferable tax credit program administered by the Governor's Office of Economic Development. It makes various changes to the definition of "qualified production" for the purposes of determining eligibility for a production to receive credits. It removes the requirement for the Office to approve an application for transferable tax credits for eligible productions is removed, instead, makes the approval of the application at the discretion of the Office. It changes the time by which an audit of the qualified production must be submitted to the Office from not more than 90 days after the completion of principal production or postproduction to not more than 270 days after the completion of principal production or postproduction; the Office may extend this deadline by an additional 90 days. It removes the requirement that the production company's business address be located in Nevada. It requires qualified productions to acknowledge the State of Nevada in the end credits or elsewhere in the production. It also specifies that qualified direct production expenditures may only occur during the period in which the qualified production is produced in order to qualify for the transferable tax credits.

Roll call on Assembly Bill No. 20:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 20 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 21.

Bill read third time.

Remarks by Senator Ohrenschaal.

Assembly Bill No. 21 authorizes a person for whom a fictitious address has been issued by the Division of Child and Family Services (DCFS) of DHSS to request a county assessor or county recorder to maintain the personal information of the person contained in their records in a confidential manner without having to obtain a court order. The bill also prohibits the Secretary of State, a county or city clerk from making personal contact information available. Finally, the bill authorizes any person for whom a fictitious address has been issued by DCFS to also request that DMV display an alternate address on the person's driver's license, commercial driver's license or identification card.

Roll call on Assembly Bill No. 21:

YEAS—20.

NAYS—None.

EXCUSED—Ratti.

Assembly Bill No. 21 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 22.

Bill read third time.

Remarks by Senators Hansen and Spearman.

SENATOR HANSEN:

Assembly Bill No. 22 requires the Director of the Department of Veterans Services to establish and maintain a program to assist veterans and servicemen and servicewomen in transitioning to life as civilians. The program is required to provide information and resources specific to this State concerning higher education, career development, physical and mental healthcare and other benefits available to veterans and servicemen and servicewomen.

SENATOR SPEARMAN:

This is an important bill for our veterans. As we draw-down in some of the wars we are in, there will be more and more veterans who are coming home. Unless we put some things in place, those same veterans will be out on the street trying to find work and will not be able to do it. This is a very good bill for veterans.

Roll call on Assembly Bill No. 22:

YEAS—20.

NAYS—None.

EXCUSED—Ratti.

Assembly Bill No. 22 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 23 revises the procedure for the commitment of certain criminal defendants who are found to be incompetent by the Court. The bill requires the Division of Public and Behavioral Health of DHSS to complete a comprehensive risk assessment within 40 calendar days after a request for the assessment is received. The Court may grant the Division an extension to complete the assessment upon showing of good cause. The assessment must be provided to the court, the prosecuting attorney and counsel for the person. Lastly, within ten judicial days after receiving the assessment, the Court is required to hold a hearing on the motion to determine whether to commit the person to the custody of the Division.

Roll call on Assembly Bill No. 23:

YEAS—21.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 24.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 24 revises the definition of a "forensic facility" to mean a secure facility of the Division of Public and Behavioral Health of DHSS that is designated by the Division as appropriate for the evaluation and treatment for offenders and defendants with mental disorders.

Roll call on Assembly Bill No. 24:

YEAS—21.

NAYS—None.

Assembly Bill No. 24 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 25 authorizes a forensic facility supervising a person on conditional release to take a person into protective custody and transport him or her to a forensic facility if there is probable cause to believe that the person violated a condition of release and is a danger to himself or herself or others. A forensic facility may also request a law enforcement agency to take a person into protective custody and transport him or her to the forensic facility. Additionally, a court must hold a hearing not later than three days after the person is in custody to determine whether to continue, modify or terminate the person's conditional release. The hearing may be continued not more than ten days upon agreement by the counsel for the person and the prosecuting attorney.

Roll call on Assembly Bill No. 25:

YEAS—21.

NAYS—None.

Assembly Bill No. 25 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 28 imposes an inverse preference on any bidder for a State purchasing contract with a principal place of business in another state if, for a similar contract, the other state grants a preference to a person with a principal place of business in that state. It denies that preference to a person with a principal place of business in the State of Nevada. The inverse preference imposed on a bid or proposal for a State purchasing contract is equal to the amount of the preference that is denied by the other state to a person with a principal place of business in the State of Nevada. The bill also clarifies that the inverse preference must be imposed regardless of whether the preference of 5 percent was awarded to a Nevada-based business or the preference of 5 percent was awarded to a local business owned and operated by a veteran with a service-connected disability.

There are approximately 34 states with some form of this in place. It is a common practice and gives us reciprocity across state lines. If they are hurting our business, we get to pay them back. I urge your support.

Roll call on Assembly Bill No. 28:

YEAS—21.

NAYS—None.

Assembly Bill No. 28 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 38.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 38 revises the membership and duties of an advisory technical skills committee appointed by the superintendent of a school district that has established a program of career and technical education and exempts such a committee from Nevada's Open Meeting Law. Additionally, instead of appointing an advisory committee, the bill allows the superintendent or his or her designee to consult with certain stakeholders to perform the advisory committee's duties. The bill also revises certain provisions governing work-based learning programs of school districts and charter schools, including application requirements, program content, reporting requirements and student evaluations.

Roll call on Assembly Bill No. 38:

YEAS—21.

NAYS—None.

Assembly Bill No. 38 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 47.

Bill read third time.

Remarks by Senators Neal, Hardy and Pickard.

SENATOR NEAL:

Assembly Bill No. 47 imposes certain notification requirements relating to certain transactions involving health carriers or certain business entities consisting of healthcare practitioners. A person who is required to file notification regarding any transaction involving assets of a group practice of health carrier in Nevada under the federal Hart-Scott-Rodino Antitrust Improvements Act of 1976 must simultaneously submit a copy of the filing to the Attorney General. All information must be kept confidential and is authorized to be disclosed only under certain circumstances. A civil penalty of up to \$1,000 per day may be imposed for a willful violation of the notification requirements.

The measure also revises provisions relating to proceedings under the Nevada Unfair Trade Practice Act, including requiring public officers and employees to provide information to the Attorney General relating to such proceedings under certain circumstances.

SENATOR HARDY:

I oppose Assembly Bill No. 47. I am concerned about Health Professional Shortage Areas (HPSAs) where we are trying to get people to go in to and have an enterprise of a doctor's office. This affects a group practice of two or more physicians who do an additional service. The service could be an x-ray machine, an EKG, ultrasound techniques and have the opportunity to grow. This has a stifling and chilling effect on the places we want to have growth. I oppose this bill.

SENATOR PICKARD:

I share my colleague from District 12's concerns. Section 22.5 eliminates noncompetition agreements. In the day we are trying to develop an innovative landscape of businesses, this bill

will discourage those innovative businesses from coming because they cannot protect their intellectual property. This is important for growing industries where innovation is required because it allows them to protect intellectual property by preventing people from coming in and learning what it is and then taking it to their competitor. I oppose Assembly Bill No. 47 as it is written. We do not need to pass section 22.5 to make this bill work for its intended purposes. That is an unnecessary addition, and I will not support it.

Roll call on Assembly Bill No. 47:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—9.

Assembly Bill No. 47 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 48.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 48 authorizes a retired public employee or officer or surviving spouse of a retiree to reinstate insurance under the Public Employees' Benefits Program if the retiree: did not have more than one period during which he or she was not covered by insurance under the Program on or after October 1, 2011; is enrolled in Medicare Parts A and B at the time of the request for reinstatement; retired from a local governmental agency that does not participate in the Program; and was enrolled in the Program as a retiree on November 30, 2008.

Roll call on Assembly Bill No. 48:

YEAS—21.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 52 adds to the Land Use Planning Advisory Council one voting member appointed by the governor from a list of nominees submitted by the Nevada Indian Commission and one nonvoting member appointed by the Nevada League of Cities and Municipalities.

The bill also requires the Advisory Council to advise any federal or State agency or local government on land use planning and policy, assist and advise in the resolution of inconsistencies in land use plans, if requested, and make recommendations related to areas of critical environmental concern.

Finally, in addition to other provisions, the bill changes the minimum period required in existing law for notice of certain public hearings of the Advisory Council by publication in newspapers from 20 days to 10 days before the hearing.

Roll call on Assembly Bill No. 52:

YEAS—21.

NAYS—None.

Assembly Bill No. 52 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59.

Bill read third time.

Remarks by Senators Ohrenschall, Hansen, Settelmeyer, Spearman, Donate, Brooks and Scheible.

SENATOR OHRENSCHALL:

Assembly Bill No. 59 prohibits the selling, distributing or offering to sell cigarettes, any product containing, made or derived from tobacco, vapor product, alternative nicotine product or product containing, made or derived from nicotine to a person under 21 years of age, as opposed to the previous age of 18 years old. This bill eliminates the authorization for a person who sells certain tobacco products through an electronic network to require a customer to create an online account, thereby requiring such sellers to use an independent, third-party age-verification system to establish the age of a customer for each sale. To the extent possible, the Attorney General must arrange for an inspection of each location that sells tobacco products to be conducted at least once every three years.

This bill also repeals the statutory provision creating criminal penalties for certain violations relating to the sale of certain tobacco products and, instead, provides that a violation may result in a civil penalty, the suspension or revocation of the person's business license. Such a violation also constitutes a deceptive trade practice. Finally, the bill revises certain definitions relating to the regulation and taxation of tobacco products and makes various other conforming changes.

SENATOR HANSEN:

I oppose Assembly Bill No. 59. It is ridiculous that 18, 19 or 20 year olds who can get married, vote or join the military cannot decide whether they want to chew tobacco or smoke cigarettes. I am opposed to tobacco use, but we need to be consistent. There are federal laws that govern this as well, but it seems ridiculous that we treat people who are those ages like they are children who cannot make their own decisions. We still have the right in America to behave stupidly in some cases. We are acting like big brother with this bill. If we allow them the chance to do the things I listed and others, they should have the right to determine whether they want to use tobacco products. I am voting "no" symbolically.

SENATOR SETTELMAYER:

I oppose this bill on a different point. I am okay with the Tobacco-21 concept but object to section 6, which creates a \$1,000 civil penalty per violation. In Committee, it was discussed that a store clerk, who may be disgruntled and on his last day on the job, could decide to sell to underage kids. If he sold to 20 people, it was unclear if it would be a single violation or 20 violations. A small mom-and-pop store could all of a sudden have \$20,000 in violations because of the criminal actions of one individual in a case like this. Therefore, I oppose this bill based on this section.

SENATOR SPEARMAN:

This is difficult regarding service members, especially those going overseas. The CDC states: "If you are a service member or military veteran, you are more likely to use tobacco products than civilians. Cigarette smoking is more common among service members who have been deployed overseas." As a former company commander, I know many times someone may start using tobacco when they enter the military. When they are getting ready to go overseas and are nervous about being killed, many will take up either cigarettes or other tobacco products. At the federal level, we may be able to require military ID in order to purchase tobacco if someone is between the ages of 18 and 21. Otherwise, many people who return from Afghanistan or Iraq will be breaking the law. There should be something in federal law that exempts stores and other commercial outlets on military bases from this. I am not sure which way I will vote, but, at 18, if you can be ordered to go into war and be killed, you ought to be able to make up your own mind about using tobacco.

SENATOR DONATE:

I support Assembly Bill No. 59. Public-health research documents the detrimental effects of cigarette smoking and its contribution to negative healthcare outcomes throughout an individual's life. We need mechanisms to limit the usage of tobacco. This means good public-health policy to reduce the disparities we observe, particularly in regards to lung and other types of cancers. I wish this bill went further in regards to enforcement. There is plenty of work ahead to reduce the burden of cancer in our communities. This policy, led by the Trump administration, does a good job of reducing the negative effects of cigarette smoking.

SENATOR OHRENSCHALL:

The penalties in this bill would affect someone who offers to sell to that age group and not on the individuals who are purchasing the tobacco.

SENATOR BROOKS:

I agree with my colleagues from Senate District 1 and from Sparks. It is ridiculous that one can go to prison or war, buy a house, enter into binding contracts and many other things an adult can do but cannot decide whether to take up the horrible habit of using tobacco. The former President and former U.S. Senate have saddled us with this nonsense, and we now have to pass this bill to be able to conform to that. While I have to support this bill so we are in compliance with federal laws, the arguments made by my colleagues hold merit. We are completely inconsistent on how we treat humans as adults in this Country.

SENATOR SCHEIBLE:

My colleague from District 3 said it better than I could. To clarify, this brings us into compliance with federal law and makes our law match federal statute. This has implications for our law-enforcement officers, health inspectors and in relationship to other regulations within the State. That is important to consider and why I support Assembly Bill No. 59; although, I share some of the views regarding different ages for different rules we implement.

Roll call on Assembly Bill No. 59:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Settelmeyer, Spearman—7.

Assembly Bill No. 59 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 63.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 63 authorizes a local government to use money from its fund established to stabilize the operation of government and mitigate the effects of a natural disaster to also mitigate the effects of a declared emergency.

Roll call on Assembly Bill No. 63:

YEAS—21.

NAYS—None.

Assembly Bill No. 63 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 68.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 68 makes three primary changes to charter school provisions. First, it exempts a charter school that has been approved to be rated under the alternative performance framework from both mandatory contract termination and the requirement that the State Public Charter School Authority (SPCSA) deny a request to amend a charter contract if the charter school does not meet certain requirements of the performance framework. Second, it authorizes the sponsor of a charter school to eliminate certain elementary, middle or high schools or campuses of a charter school if the school does not meet certain performance criteria or under certain other circumstances. Third, it increases the period in which the SPCSA must consider new charter school applications from 60 to 120 days.

Roll call on Assembly Bill No. 68:

YEAS—21.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 69.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 69 makes various changes to provisions relating to the Governor's Office of Economic Development. It includes revising the definition of "motion pictures" to include feature films, programs made for broadcast or other electronic transmission, commercials and other audiovisual media. It requires the Executive Director of the Office be appointed by the Governor from a list of not more than three persons recommended by the Board of Economic Development, rather than from a list of exactly three persons. It adds the Director of the Department of Business and Industry as a nonvoting member of the Board of Economic Development. It changes the name of the Division of Motion Pictures to the Nevada Film Office. It requires the library of filming locations maintained by the Film Office be made available on an Internet website maintained by that office. The bill requires that the head of the county business license agency in a county whose population is 700,000 or more sign registrations filed with the Film Office by a media production company.

Roll call on Assembly Bill No. 69:

YEAS—21.

NAYS—None.

Assembly Bill No. 69 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70.

Bill read third time.

Remarks by Senator Ohrenschaal.

Assembly Bill No. 70 requires the Division of Welfare and Supportive Services of DHSS to deposit, within two working days, any child support payments it accumulates in excess of \$10,000 on any day, except money for which the Division is unable to identify the obligee within two working days. In such cases, the money must be deposited within five days, if the Department identifies the obligee, or returned to the payor within five days if the Division is unable to identify the obligee.

Roll call on Assembly Bill No. 70:

YEAS—21.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 73.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 73 requires an applicant for a license to practice dietetics to provide evidence that he or she is a registered dietician in good standing with the Commission on Dietetic Registration. A person who is eligible to take the Registration Examination for Dietitians, but who has not successfully completed the exam, may practice dietetics under the direct supervision of a licensed dietitian.

The bill removes the requirement that a licensed dietitian who fails to apply for the renewal of his or her license within two years after the date of the expiration of the license must take the Registration Examination for Dietitians before renewing his or her license. The measure removes the requirement that the State Board of Health of the Division of Public and Behavioral Health of DHSS establish certain fees relating to the examination of an applicant, the late renewal of a license and the issuance of a duplicate license.

Roll call on Assembly Bill No. 73:

YEAS—21.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 76.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 76 authorizes the Director of the Department of Veterans Services to establish and operate programs to provide adult-day healthcare services to veterans. This service is limited to the extent that federal funding is available. The bill also eliminates certain obsolete requirements governing the location of veterans' homes.

Roll call on Assembly Bill No. 76:

YEAS—21.

NAYS—None.

Assembly Bill No. 76 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 77.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 77 requires the Director of the Department of Veterans Services to assist veterans experiencing homelessness by connecting veterans to housing and other support

organizations and to create, coordinate and support suicide prevention programs and resources for veterans.

The bill increases, from two years to three years, the length of a term for members of the Nevada Veterans Services Commission, the Advisory Committee for a Veterans' Cemetery in Northern Nevada and the Advisory Committee for a Veterans' Cemetery in Southern Nevada. The length of a term for members of the Women Veterans Advisory Committee is reduced from four years to three years. Finally, the bill includes provisions directing the appointment of new members and the reappointment of certain incumbent members of these entities.

Roll call on Assembly Bill No. 77:

YEAS—21.

NAYS—None.

Assembly Bill No. 77 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 96 authorizes a governmental entity that licenses and regulates emergency response employees to contract with a nonprofit organization to establish a program to provide peer-support counseling for employees who are experiencing mental-health issues as a result of the nature of their work.

The bill also requires the Division of Public and Behavioral Health of the DHSS to post on its Internet website information concerning peer-support services available to emergency response employees. The Division must also, to the extent funds are available, collect and report certain information relating to suicide among emergency response employees to the chief medical officer.

Roll call on Assembly Bill No. 96:

YEAS—21.

NAYS—None.

Assembly Bill No. 96 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 119.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 119 revises the duties of the Maternal Mortality Review Committee to include identifying and reviewing disparities in the incidence of maternal mortality by analyzing the race, ethnicity, age and geographic region of the residence of mothers who experience maternal mortality. The bill also requires the Committee to collaborate with the Advisory Committee on Minority Health and Equity of the Office of Minority Health and Equity of DHSS in developing its biennial report.

Roll call on Assembly Bill No. 119:

YEAS—21.

NAYS—None.

Assembly Bill No. 119 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 123 imposes an additional \$10 fee for the issuance and renewal of a special license plate in support of the Vegas Golden Knights franchise of the National Hockey League for the support of the Vegas Golden Knights Foundation to assist with its work supporting nonprofit and charitable organizations. The additional fees are to be deposited with the State Treasurer for credit to the State General Fund and distributed to the Vegas Golden Knights Foundation on a quarterly basis.

Roll call on Assembly Bill No. 123:

YEAS—21.

NAYS—None.

Assembly Bill No. 123 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 154 authorizes a public utility to provide to its customers, by electronic transmission, certain notices, including notices of quarterly-rate adjustments. A notice of quarterly-rate adjustment must be printed on a separate piece of paper if included with a customer's regular mailed monthly bill or be identified as a quarterly-rate adjustment in the subject line of an electronic transmission.

Roll call on Assembly Bill No. 154:

YEAS—21.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 157.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 157 authorizes a person, who is the victim of certain discriminatory conduct relating to an incident involving a peace officer, to bring a civil action for damages. Specifically, a civil action may be brought if another person, without reasonable cause and because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation, gender identity or expression of the person, knowingly causes a peace officer to respond to a location with the intent to: infringe on the constitutional rights of the person; cause the person to feel harassed, humiliated, or embarrassed; cause the person to be removed from a location where he or she is lawfully located; or damage the reputation or economic interests of the person.

Roll call on Assembly Bill No. 157:

YEAS—17.

NAYS—Buck, Goicoechea, Hansen, Hardy—4.

Assembly Bill No. 157 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 171.

Bill read third time.

Remarks by Senators Donate and Goicoechea.

SENATOR DONATE:

Assembly Bill No. 171 declares that it is the policy of the State of Nevada to protect the Spring Valley population of Rocky Mountain junipers, known as swamp cedars, that occur within the Bahsahwahbee Traditional Cultural Property in White Pine County. The bill makes it unlawful for any swamp cedar within that property to willfully or negligently be cut, destroyed, mutilated or removed without first obtaining a special permit from the State Forester Firewarden. The bill also revises the existing exemption for Indians native to Nevada who gather flora for certain reasons to remove the requirement that such Indians be native to Nevada.

This lies within the recognition of the trauma shared by the tribal members who reside in these areas. We cannot deny the massacres that have occurred on these lands, and it is important for us to stand in solidarity with the voices that have been left behind or forgotten. We can take that first step by protecting the swamp cedars. I urge everyone's support.

SENATOR GOICOECHEA:

I oppose Assembly Bill No. 171. There has been no formal process for withdrawing these lands. These are multiple-use lands administered by the Department of Interior and the Forest Service. What we are doing is telling the State Forester Firewarden to impose restrictions on these lands. There has been no need for action, no land action whatsoever. I support the federal withdrawal and recognize the significance of the cedar in the custom and culture of our indigenous people and the tribes in this State, but this is illegal. You cannot withdraw; there is no formal withdrawal for these 14,000 acres. We cannot put restrictions on it through statute. We have to go through the entire process, like it or not. It has not been withdrawn; it is multiple-use land. We need to reject this measure.

Roll call on Assembly Bill No. 171: YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Assembly Bill No. 171 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 173 removes the exemption from licensure as a professional engineer for an employee of a natural gas utility who is engaged in a type of work for the utility that the Public Utilities Commission of Nevada, by regulation, has determined requires a license. The measure also eliminates the requirement that an applicant for a license as a professional land surveyor complete the required years of active experience in land surveying before being eligible to take the principles and practices of land surveying examination.

Roll call on Assembly Bill No. 173:

YEAS—21.

NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188.

Bill read third time.

Remarks by Senators Brooks and Hammond.

SENATOR BOOKS:

Assembly Bill No. 188 abolishes the Commission on Special License Plates and transfers its duties to the Department of Motor Vehicles (DMV). The DMV shall hold public hearings to approve or disapprove applications for the design, preparation and issuance of special license plates, compile and submit a list of all approved special license plate designs with an accompanying report to the Legislature annually.

Charitable organizations receiving additional fees from special license plates shall prepare a balance sheet for the immediately preceding fiscal year and file it with the legislative auditor by September 1 annually. The legislative auditor shall require certain information from these charitable organizations and may request additional fiscal information. The legislative auditor shall submit a final report on these charitable organizations to the directors of the DMV and LCB by September 30 of every fiscal year for transmittal to either the Legislature or Legislative Commission.

SENATOR HAMMOND:

I am voting in favor of this today.

Roll call on Assembly Bill No. 188:

YEAS—21.

NAYS—None.

Assembly Bill No. 188 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 217.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 217 requires the administrator or other person in charge of designated medical facilities, facilities for the dependent and other licensed facilities to ensure that each unlicensed caregiver at the facility completes certain training, including training on the topic of the control of infectious diseases. The measure requires the State Board of Health to adopt regulations prescribing training for unlicensed caregivers who provide care at such facilities. The administrator or other person in charge of such a facility shall ensure the implementation of best practices taught in the required training and shall develop, annually update and provide to certain persons a written plan for the control of infectious diseases at the facility. Finally, this bill requires the Division of Health Care Financing and Policy of DHSS to post on the Internet a list of nationally recognized organizations that offer free or low-cost training that meets the requirements of those regulations.

Roll call on Assembly Bill No. 217:

YEAS—19.

NAYS—Buck, Hansen—2.

Assembly Bill No. 217 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Remarks by Senators Lange and Pickard.

SENATOR LANGE:

Assembly Bill No. 227 provides that a contractor may personally perform work that requires a contractor's license or may perform the work by or through employees of the contractor or of another contractor. Additionally, those persons, or a person employed by a private employment agency licensed by the Labor Commissioner, may perform work for a contractor who does not require a contractor's license.

The measure revises the list of acts that constitute cause for disciplinary action against a licensee by the State Contractors' Board to include entering into an agreement with a natural person who is not an employee of the licensed contractor and not licensed as a contractor to perform for the licensed contractor any work that requires a contractor's license. In addition to any disciplinary action or other action taken against the licensed contractor, such an agreement is void and unenforceable.

SENATOR PICKARD:

I oppose Assembly Bill No. 227. This bill is a frontal attack on small construction businesses and will put more than 4,000 temporary construction laborers out of work. These are mostly minority and veteran laborers. This bill unnecessarily ends a practice of private employment agencies providing skilled and semiskilled workers to small contractors who do not have the size or quantity of work to hire on these workers fulltime for themselves.

Some have suggested that private employment agencies recruit the laborers and then turn them over to the contractors. Those are people who clearly have no idea how the business works. Even labor unions force their workers to pay high union dues to cover the cost of finding them work, but the private employment agencies cannot do that. What business would spend the time and money to recruit workers only to give them away.

This bill will unnecessarily destroy an industry that has been in place for half a century. It will destroy what has been a standard practice in the highly regulated construction marketplace for more than 30 years. One recent case, *Legacy Specialties v. The Nevada State Contractors Board* is the first and only case in which proponents of this bill rely. In reality, the *Legacy* case did not deal with licensed private-employment agencies. It dealt with an outfit out of Texas that provided laborers who were not paid but whom *Legacy Specialties* made whole when they found out the workers were shorted. They did all they should have except for making sure they were working with a licensed private-employment agency, although that is not currently required of any contractor in Nevada.

The Nevada State Contractors Board supported this bill claiming there is a widespread problem that needed to be corrected. They claimed to have had several cases where they had to go after a licensed private-employment agency for some kind of problem but did not specify if those were related to payments or for the quality of construction, which falls solely to the contractor for whom that temporary laborer worked. We asked for a list of cases to support that testimony. It turned out the representations by the Contractors Board were false. They provided us with a list of six cases, only one of which dealt with a licensed private-employment agency. The single case they cited, American Fire and Electric, contracted the Board's present position. In that case, the administrative law judge, paid by the Board but acting independently, found there was no industry problem. The judge noted that the wage-earning employees, leased from properly registered leasing companies by licensed contractors, are, in fact, the regular, fulltime employees of the licensed contractor. The employees are under the supervision and control of the licensed contractor. The judge did not see how the employee-leasing model presented in the case conflicted with the mandate of the Legislature that provisions of NRS chapter 624 are intended, to promote public confidence and

trust in the competence and integrity of licensees and protect the health, safety and welfare of the public.

The Contractors Board misled this Body deliberately and went after an industry that has served small contractors well for more than 30 years. It alarms me that, once again, we are hurting the very people we have worked so hard in this Body to protect. Minority and veteran communities make up the majority of this labor pool. For various reasons, ranging from home situations to problems with PTSD, these minority and veteran, skilled and semiskilled workers cannot hold ordinary 7 a.m. to 4 p.m. jobs. They need this type of an employment arrangement. We have numerous small, minority- or women-owned contractors who are not large enough to keep these workers on their payroll beyond the immediate need for the service of these workers. We had one representative of this community, a black veteran, who testified in person that passage of this bill would put his family in jeopardy. If we had one who was determined enough to come to the building to testify, you can be sure there are thousands more who would have had they been able to.

This Body has a bad habit of harming the communities we seek to help because we do not understand the realities of the industries and rely on bad information from the outside. Are we going to do it yet again? Are we going to vote to pass this measure now that we know the Contractors Board was not giving us good information? I hope not. I urge my colleagues to vote this measure down and keep our workers and small contractors working.

Roll call on Assembly Bill No. 227:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—9.

Assembly Bill No. 227 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 257.

Bill read third time.

Remarks by Senators Lange, Hammond, Settlemeyer and Pickard.

SENATOR LANGE:

Assembly Bill No. 257 requires the board of trustees of a school district and the governing body of a charter school to assess the status of, make improvements and report on the ventilation and air filtration systems of a school and ensure that the systems are performing adequately and efficiently. The bill sets forth requirements for certain personnel to assess and perform updates to systems, rate and monitors in schools for filtration, ventilation, heating, air conditioning and carbon dioxide.

The board of trustees of a school district or governing body of a charter school must prepare a report on work performed and make it available to the Office of Energy within the Office of the Governor and the public upon request. Further, a local education agency must prepare an addendum to a plan for the safe return to in-person instruction describing how the entity will ensure the school is equipped with functional ventilation systems.

SENATOR HAMMOND:

The intent of the bill is worthy. We all want to have clean air in our schools; however, this bill is over-prescriptive. The bill asks things be repaired in a certain way using a certain method. I would rather put the concern on the school districts' shoulders. They have said they would like to be able to fix these HVAC units but want to be able to do it in a way where they can put more money back into the classroom. For that reason, I oppose Assembly Bill No. 257.

SENATOR SETTELMAYER:

I agree with my colleague from District 18 who spoke in opposition to this bill. The maintenance people at the Douglas County School District told me it is always a simple situation

of how often the HVAC currently fails, its age or its efficiency puts it into a line for replacement. It is improper to micromanage them. We should allow them to do what they are currently doing and make those decisions based on individual HVAC systems in schools rather than forcing them to prepare a countywide plan.

SENATOR PICKARD:

This bill is unnecessary. School districts have an existing duty to ensure schools are clean. This forces school districts to put dollars for infrastructure and things they are already doing ahead of using it in classrooms. We have our priorities backwards. We ought to put kids first.

SENATOR LANGE:

This bill is important because it is talking about peoples' health. If you are in a building with bad ventilation and it is not fixed, that is a problem. In Committee, we heard from a teacher who told us how the ceiling fell in her portable when it rained. The school district came to fix it by cleaning up the mess and taping a heavy, black plastic bag to her ceiling. They told her, "Don't worry, it won't rain again." We need to have some sort of oversight to make sure things happen. Some school districts told me there were no problems in their district, yet teachers in the district told me there were. This oversight is important. The lives of kids, support staff and teachers should be taken seriously.

Roll call on Assembly Bill No. 257:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 257 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 281.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 281 permits short-term lessors, brokers and dealers of motor vehicles to maintain and store the books and records of their business electronically and to produce these records within three business days upon request. The measure specifies that, rather than considering certain records containing information about short-term lessees, publicly available records, they will be made available to DMV and the Department of Taxation and certain local government employees upon request.

Roll call on Assembly Bill No. 281:

YEAS—21.

NAYS—None.

Assembly Bill No. 281 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 308.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 308 makes a technical change to revise the term "security" to "security deposit" as that term is used in residential rental agreements. The measure prohibits a landlord from charging a late fee as long as the rent is paid within three calendar days of the due date. The bill extends from 45 to 60 the number of days' notice a landlord must provide of a rent increase.

For periodic tenancies of less than one month, the bill extends from 15 to 30 the number of days' notice required.

Roll call on Assembly Bill No. 308:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—8.

Assembly Bill No. 308 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 338.

Bill read third time.

Remarks by Senators Donate and Kieckhefer.

SENATOR DONATE:

Assembly Bill No. 338 authorizes the investment of certain public funds in foreign bonds, notes or other obligations that are not publicly traded, and it reduces the minimum rating by a nationally recognized rating service from "AA" to "A" required for those obligations to be an authorized investment.

SENATOR KIECKHEFER:

I oppose Assembly Bill No. 338. I am concerned that some of the juice may not be worth the squeeze when it comes to these types of investments. A successful, short-term strategy could lead to something detrimental to the finances of the State long term. In deference to a more conservative investment strategy, I will be voting "no" on this bill.

Roll call on Assembly Bill No. 338:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—9.

Assembly Bill No. 338 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 403.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 403 decriminalizes the commission of certain prohibited acts by a pedestrian who does not yield the right-of-way to vehicles when crossing a highway, does not cross an intersection at a crosswalk or crosses an intersection diagonally. Such a violation is no longer a misdemeanor, but instead, is punishable by a civil penalty of up to \$100. In addition, the violation is no longer subject to any additional penalties if it is committed in a pedestrian safety zone.

This bill applies to persons who are alleged to have committed the violation but have not been convicted of it before the effective date of this bill. Lastly, each court is required to cancel outstanding bench warrants issued for failure to appear in court for the violation, and the Central Repository for Nevada Records of Criminal History must remove all records of such bench warrants issued.

Roll call on Assembly Bill No. 403:

YEAS—21.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 406.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 406 allows the withholding of money for the support of a child from the gambling winnings of an obligor.

Roll call on Assembly Bill No. 406:

YEAS—21.

NAYS—None.

Assembly Bill No. 406 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 417.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 417 revises provisions related to school bus inspections by reducing the frequency of inspections from semiannually to annually and requiring the re-inspection of any vehicle that receives a violation notice. The bill also increases the number of days to correct a bus defect from 10 days to 20 "calendar" days. Finally, it requires the Department of Public Safety to provide an annual report to each superintendent of a school district or governing body of a charter school on the health and safety of the fleet.

Roll call on Assembly Bill No. 417:

YEAS—21.

NAYS—None.

Assembly Bill No. 417 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 426 authorizes a child welfare agency to request that the Court issue a warrant to place a child in protective custody if there is reasonable cause to believe that the child needs protection, but the threat is not imminent in the time it would take to obtain a warrant. The bill also sets forth certain requirements for such a warrant.

In addition, the bill clarifies that the Court may, upon the initiative of the Court or a special master, find that a person has a special interest in a child and must be involved in and notified of certain plans and proceedings relating to the placement of the child. It clarifies that such a finding may be reviewed or modified at any time by the Court or special master. It revises provisions relating to the notice that must be provided to a parent or other person responsible for a child's welfare before certain hearings related to the child's placement in protective custody. The bill clarifies that certain determinations by a court relating to the placement of a child must be made based on a preponderance of the evidence, and it allows the Attorney General to sign a petition alleging that a child is in need of protection. It authorizes the Court to dispose of a case if the Court

finds by a preponderance of evidence that the child needed protection at the time the child welfare agency completed the investigation, if the child was not removed from the home.

Roll call on Assembly Bill No. 426:

YEAS—21.

NAYS—None.

Assembly Bill No. 426 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 442.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 442 requires certain healthcare providers to complete two hours of training in the screening, brief intervention and referral to treatment approach to substance-use disorder. The measure also allows training in this approach to satisfy certain continuing educational requirements for certain healthcare providers. Additionally, certain healthcare providers may use a federal registration to dispense narcotic drugs for maintenance treatment or detoxification treatment to satisfy certain continuing education requirements.

Roll call on Assembly Bill No. 442:

YEAS—21.

NAYS—None.

Assembly Bill No. 442 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:35 p.m.

SENATE IN SESSION

At 3:03 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Cannizzaro, Ratti, Dondero Loop, Denis, Lange, Brooks, Donate, Hardy, Kieckhefer, Ohrenschall, Scheible, Spearman; Assemblymen Frierson, Benitez-Thompson, Carlton, Jauregui, Bilbray-Axelrod, Anderson, Considine and Brittney Miller (emergency request of Senate Majority Leader):

Senate Bill No. 450—AN ACT relating to school facilities; temporarily authorizing the boards of trustees of school districts with prior voter approval to issue general obligation bonds in certain circumstances; temporarily revising provisions governing the transfer of certain revenue to the fund for capital projects of such a school district; and providing other matters properly relating thereto.

Senator Cannizzaro moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Finance:

Senate Bill No. 451—AN ACT relating to programs for public personnel; establishing for the 2021-2023 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 593.

SUMMARY—Makes 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. (BDR S-1118)

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.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Taxation the sum of ~~[\$622,364]~~ \$632,854 for the relocation and consolidation of the two offices in the Las Vegas Valley into one office in southern Nevada.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.

Sec. 2. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senate Amendment No. 593 amends Senate Bill No. 415 section 1, line 2, by increasing the General Fund appropriation needed by \$10,490, from \$622,364 to \$632,854 to accurately fund the projected cost to relocate and colocate the Department's Henderson and Grant Sawyer State Office Building staff to one new location.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 595.

SUMMARY—Makes appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement of vehicles and motorcycles and certain equipment. (BDR S-1129)

AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement of vehicles and motorcycles and certain equipment; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$10,433,390 for the replacement of fleet vehicles and associated special equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$278,772 for the replacement of fleet motorcycles and associated special equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 3. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$400,750 for oral fluid mobile analyzers and cartridges to be used for ~~alcohol-related~~ drug-related offenses.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$1,211,984 for the replacement of mobile data computer tablets.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 5. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$238,989 for equipment items for the Division's multidisciplinary investigation and reconstruction teams.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 6. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$143,043 for the replacement of printers and associated mobile adapters.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 7. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$198,050 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 Highway Fund on or before September 15, 2023.

Sec. 8. This act becomes effective upon passage and approval.

Senator Seevers Gansert moved the adoption of the amendment.

Remarks by Senator Seevers Gansert.

Amendment No. 595 amends section 3, lines 8 and 9, to clarify that the appropriation from the State Highway Fund is for the purpose of purchasing oral-fluid mobile analyzers and cartridges to be used for drug-related offenses and not for alcohol-related offenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

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

Amendment No. 563.

SUMMARY—Revises provisions relating to the towing or immobilization of a motor vehicle. (BDR 43-387)

AN ACT relating to motor vehicles; revising provisions relating to the towing or immobilization of a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the owner of a towed or immobilized vehicle to file a civil action in justice court to determine whether the towing or immobilization of the vehicle was unlawful; and (2) requires the justice court to hold a hearing within 4 working days after such a civil action is filed, to determine whether the towing or immobilization was lawful or unlawful and

to enter a corresponding order regarding payment of costs and release of the vehicle. (NRS 4.370, 487.039)

This bill creates a new process for filing a complaint for expedited relief in justice court. This bill: (1) requires such a complaint to be filed within 21 calendar days after the towing or immobilization of a vehicle; (2) requires that a hearing on the complaint be held within 7 calendar days after the filing of the complaint; (3) requires the court to determine whether the towing or immobilization was lawful or unlawful and to enter an order declaring liability for certain costs; and (4) if the court determines that the towing or immobilization was unlawful, requires the person or entity who has stored or immobilized the vehicle, as applicable, to release the vehicle to the owner or remove the boot, clamp or device from the vehicle immediately upon presentation of a certified copy of the order by the owner of the vehicle.

~~__ [This bill also] Existing law requires the operator of any facility or location where vehicles which are towed are stored to [mail written notice, within 24 hours after the towing, excluding Sundays and holidays, to the registered owner of any vehicle towed to the facility or location.] display at the facility or location a conspicuous sign which sets forth the provisions of existing law for determining the lawfulness of a towing or immobilization. (NRS 487.039) This bill requires that the sign also include information concerning the availability of certain legal assistance.~~

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

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. ~~[If a]~~ *In addition to the remedy provided pursuant to paragraph (b) of subsection 1 of NRS 4.370 for civil damages, the owner of a vehicle may file a complaint for expedited relief based upon the unlawful towing or immobilization of the vehicle in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located if:*

(a) The vehicle is towed pursuant to NRS 487.037 or 487.038 or immobilized pursuant to NRS 487.0385 ~~[and the]~~ ;

(b) The owner of the vehicle believes that the vehicle was unlawfully towed or immobilized ~~[, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located, on a form provided by the court, to determine whether the towing or immobilizing of the vehicle was lawful.~~

~~— 2. An action relating to] ;~~

(c) For a vehicle that was towed, ~~[may be filed pursuant to this section only if]~~ the cost of towing and storing the vehicle does not exceed \$15,000 ~~[,]~~ ; and

(d) The vehicle is being stored or is still currently immobilized as a result of the towing or immobilization.

2. *Such a complaint:*

(a) *Must be filed within 21 calendar days after the towing or immobilization of the vehicle; and*

(b) *Must be filed against:*

(1) *The owner or person in lawful possession of the real property or the authorized agent of the owner of the real property who authorized the tow of the vehicle and the tow company which towed the vehicle;*

(2) *The operator of an off-street parking facility who authorized the tow of the vehicle and the tow company which towed the vehicle; or*

(3) *The owner or person in lawful possession of a multilevel parking garage or other parking structure who authorized the immobilization of the vehicle.*

3. *A complaint filed pursuant to subsection 1 that does not meet the criteria in subsections 1 and 2 ~~must~~ may be dismissed by the court, without prejudice. Such dismissal does not affect the right of the owner of the vehicle to pursue civil damages.*

4. *Upon the filing of a ~~civil action~~ complaint pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than ~~4 working~~ 7 calendar days after the ~~action~~ complaint is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, the constable or ~~other~~ a process server licensed pursuant to chapter 648 of NRS upon the ~~owner or person in lawful possession of the property who authorized the towing or immobilization of the vehicle.~~*

~~—4.] person identified in subparagraph (1), (2) or (3) of paragraph (b) of subsection 2.~~

5. *The court shall ~~if it determines that~~ determine whether the vehicle was ~~if~~ lawfully or unlawfully towed or immobilized and:*

(a) ~~Lawfully~~ *If the court determines the vehicle was lawfully towed, enter an order declaring the owner of the vehicle ~~to pay~~ liable for the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost. ~~if~~*

(b) ~~Unlawfully~~ *If the court determines the vehicle was unlawfully towed, enter an order declaring the owner or person in lawful possession of the property or the authorized agent of the owner of the property who authorized the towing ~~to pay~~ liable for the cost of towing and storing the vehicle ~~if~~ and order the person who is storing the vehicle to release the vehicle to the owner immediately. ~~and determine the actual cost incurred in towing and storing the vehicle;~~*

(c) ~~Lawfully~~ *If the court determines the vehicle was lawfully immobilized, enter an order declaring the owner of the vehicle ~~to pay~~ liable for the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost. ~~if or~~*

(d) ~~Unlawfully~~ *If the court determines the vehicle was unlawfully immobilized, enter an order declaring the owner or person in lawful possession of the property who authorized the immobilizing ~~to pay~~ liable for*

the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.

~~§~~ 6. Upon presentation of a certified copy of an order entered pursuant to paragraph (b) or (d) of subsection 5 by the owner of a vehicle, the person storing the vehicle or the person who immobilized the vehicle, as applicable, shall release the vehicle to the owner immediately or remove the boot, clamp or device from the vehicle immediately.

7. The operator of any facility or other location where vehicles which are towed are stored shall display ~~display~~

~~(a) Display~~ conspicuously at that facility or location a sign which sets forth ~~the~~:

~~(a) The provisions of this section~~ ~~;~~ and

~~(b) Mail written notice to the registered owner of any vehicle towed to the facility or other location within 24 hours after the towing, excluding Sundays and holidays, that includes the following information:~~

~~(1) The name and address of the facility or location at which the vehicle is being stored;~~

~~(2) The cost of towing and storage, including the daily accrual rate of storage, if any;~~

~~(3) The reason for the towing;~~

~~(4) A statement of the provisions of this section; and~~

~~(5) A statement regarding the availability of assistance from a program for legal aid, self-help center operated or overseen by a court or other similar program in the city or county in which the facility or other location is located.~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 563 makes three changes to Assembly Bill No. 32. It changes "must" to "may" in reference to the judge's dismissal of a complaint. It eliminates the requirement to mail notice to the registered owner of a towed vehicle within 24 hours after it is towed. It also requires the signage at towing facilities to include information on legal aid or similar services.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time and ordered to third reading.

Assembly Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 539.

SUMMARY—Makes various changes relating to governmental entities. (BDR 34-147)

AN ACT relating to governmental entities; requiring the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils to adopt a policy prohibiting the

use of certain racially discriminatory identifiers; authorizing the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils to use an identifier associated with a federally recognized Indian tribe in certain circumstances; prohibiting a county, city or unincorporated town from sounding certain sirens, alarms or bells; requiring the Nevada State Board on Geographic Names to recommend changes to the names of geographic features or places that are racially discriminatory; requiring the Board to report annually to the Legislature or the Legislative Commission, as applicable, on any recommendations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the board of trustees of each school district, governing body of each charter school and governing body of each university school for profoundly gifted pupils to change, and adopt a policy that prohibits the use of, any name, logo, mascot, song or other identifier that: (1) is racially discriminatory; or (2) contains racially discriminatory language or imagery. Section 1 authorizes the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils to use an identifier associated with a federally recognized Indian tribe if the board of trustees or governing body obtains permission for the use of the identifier from the Indian tribe.

Section 2.3 of this bill prohibits a county in this State from sounding a siren, bell or alarm at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the county which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a certain time. Sections 2.5 and 2.7 of this bill impose a similar prohibition on cities and unincorporated towns in this State, respectively.

Existing law creates the Nevada State Board on Geographic Names. (NRS 327.110) Under existing law, the Board makes official recommendations to the United States Board on Geographic Names on proposals for the names of geographic features and places in this State for use in maps and official documents. (NRS 327.140) Section 3 of this bill requires the Board to recommend changes to the name of any geographic feature or place that: (1) is racially discriminatory; or (2) contains racially discriminatory language or imagery. Section 3 also requires the Board to submit an annual report on any recommendations to change the name of a geographic feature or place 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.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, the board of trustees of each school district, governing body of each charter school and governing body of each university school for profoundly gifted pupils shall change, and adopt a policy prohibiting the use of, any name, logo, mascot, song or other identifier that is racially discriminatory or contains racially discriminatory language or imagery, including, without limitation, a name, logo, mascot, song or other identifier associated with the Confederate States of America or a federally recognized Indian tribe.*

2. *The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils may use a name, logo, mascot, song or other identifier associated with a federally recognized Indian tribe if the board of trustees or governing body obtains approval from the Indian tribe to use the name, logo, mascot, song or other identifier.*

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

A county in this State may not sound a siren, bell or alarm at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the county which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a specific time.

Sec. 2.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

A city in this State may not sound a siren, bell or alarm at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the city which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the city by a specific time.

Sec. 2.7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

An unincorporated town in this State may not sound a siren, bell or alarm at a time during which the siren, bell or alarm was previously sounded on specific days or times in association with an ordinance enacted by the town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the town by a specific time.

Sec. 3. NRS 327.140 is hereby amended to read as follows:

327.140 1. The Board shall:

(a) Receive and evaluate all proposals for changes in or additions to names of geographic features and places in the State to determine the most appropriate and acceptable names for use in maps and official documents of all levels of government.

(b) Make official recommendations on behalf of the State with respect to each proposal.

(c) Assist and cooperate with the United States Board on Geographic Names in matters relating to names of geographic features and places in Nevada.

(d) Maintain a list of advisers who have special knowledge of or expertise in Nevada history, geography or culture and consult with those advisers on a regular basis in the course of its work.

(e) *Recommend to change the name of any geographic feature or place in this State that is racially discriminatory or contains racially discriminatory language or imagery.*

(f) *Report annually on any recommendation to change the name of a geographic feature or place pursuant to paragraph (e) and submit the report 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.*

2. The Board may:

(a) Adopt regulations to assist in carrying out the functions and duties assigned to it by law.

(b) Initiate proposals for changes in or additions to geographic names in the State. Any proposal initiated by the Board must be evaluated in accordance with the same procedures prescribed for the consideration of other proposals.

Sec. 4. The board of trustees of each school district, governing body of each charter school and governing body of each university school for profoundly gifted pupils shall adopt the policy required by section 1 of this act and change any applicable name, logo, mascot, song or other identifier on or before July 1, 2022.

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.

Amendment No. 539 to Assembly Bill No. 88 prohibits the use of "sundowner sirens" in municipalities in Nevada. It adds Assemblywoman Bilbray-Axelrod as a cosponsor to the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 100.

Bill read second time and ordered to third reading.

Assembly Bill No. 103.

Bill read second time and ordered to third reading.

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 540.

SUMMARY—Revises provisions governing interscholastic activities. (BDR 34-517)

AN ACT relating to interscholastic activities; requiring any board formed to govern the Nevada Interscholastic Activities Association to include at least three members who are parents or guardians of pupils who participate in a sanctioned sport; requiring any advisory board to a governing board to include at least three members who are pupils currently participating in a sanctioned sport; establishing certain requirements relating to the residency and terms of such members who are parents, guardians or pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools. (NRS 385B.050) This bill requires any board formed to govern the Nevada Interscholastic Activities Association to include at least three members who are parents or guardians of pupils who participate in a sanctioned sport. This bill also requires any advisory board formed to advise a governing board to include at least three members who are pupils currently participating in a sanctioned sport. Such members are required to fulfill certain residency requirements and are prohibited from being employees of or immediate family members of employees of a school district ~~[]~~, charter school or private school. This bill also requires that the terms of such members be consistent in duration with the terms of other members of the board and be served in full-year increments during any year that a pupil who is a member or a pupil whose parent or guardian is a member participates in one or more sanctioned sports.

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

Section 1. NRS 385B.050 is hereby amended to read as follows:

385B.050 *1.* The county school district trustees may form a nonprofit association, to be known as the Nevada Interscholastic Activities Association, composed of all of the school districts of the State for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. This section does not prohibit a public school, which is authorized by the Association to do so, from joining an association formed for similar purposes in another state.

2. Any board formed to govern the Nevada Interscholastic Activities Association must include at least three members who are parents or guardians of pupils who participate in a sanctioned sport. Of the members who are parents or guardians of pupils who participate in a sanctioned sport:

(a) At least one member must be a resident of a county whose population is 700,000 or more;

(b) At least one member must be a resident of a county whose population is 100,000 more but less than 700,000;

(c) *At least one member must be a resident of a county whose population is less than 100,000; and*

(d) *Each member must not be an employee of or an immediate family member of an employee of a school district ~~FF~~, charter school or private school.*

3. *Any advisory board formed to advise a governing board of the Nevada Interscholastic Activities Association must include at least three members who are pupils currently participating in a sanctioned sport. Of the members who are pupils currently participating in a sanctioned sport:*

(a) *At least one member must be a resident of a county whose population is 700,000 or more;*

(b) *At least one member must be a resident of a county whose population is 100,000 or more but less than 700,000;*

(c) *At least one member must be a resident of a county whose population is less than 100,000; and*

(d) *Each member must not be an employee of or an immediate family member of an employee of a school district.*

4. *The terms of each member of a board formed to govern the Nevada Interscholastic Activities Association who is a parent or guardian of a pupil who participates in a sanctioned sport and each pupil who is a member of an advisory board to such a governing board must be consistent in duration with the terms of other members of the applicable board and be served in full-year increments during any year that a pupil who is a member or a pupil whose parent or guardian is a member participates in one or more sanctioned sports.*

Sec. 2. This act becomes effective on July 1, 2022.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 540 to Assembly Bill No. 105 adds a requirement that a parent member on the governing board must not be an employee of or an immediate family member of an employee of a charter or private school in addition to a school district.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 111.

Bill read second time and ordered to third reading.

Assembly Bill No. 112.

Bill read second time and ordered to third reading.

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 139.

Bill read second time and ordered to third reading.

Assembly Bill No. 140.
Bill read second time and ordered to third reading.

Assembly Bill No. 141.
Bill read second time and ordered to third reading.

Assembly Bill No. 145.
Bill read second time and ordered to third reading.

Assembly Bill No. 184.
Bill read second time and ordered to third reading.

Assembly Bill No. 187.
Bill read second time and ordered to third reading.

Assembly Bill No. 212.
Bill read second time and ordered to third reading.

Assembly Bill No. 231.
Bill read second time and ordered to third reading.

Assembly Bill No. 236.
Bill read second time and ordered to third reading.

Assembly Bill No. 245.
Bill read second time and ordered to third reading.

Assembly Bill No. 249.
Bill read second time and ordered to third reading.

Assembly Bill No. 250.
Bill read second time.

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

Amendment No. 624.

SUMMARY—Revises provisions relating to insurance to supplement Medicare. (BDR 57-142)

AN ACT relating to insurance; requiring the establishment of an open enrollment period for a Medicare supplemental policy; prohibiting an insurer issuing such a policy from taking certain actions during the open enrollment period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal regulations define the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205) Existing state law

authorizes the Commissioner of Insurance to adopt regulations relating to the form, content and sale of policies of insurance which provide for the payment of expenses which are not covered by Medicare, including Medicare supplemental policies. (NRS 687B.430) Sections 1, 3 and 4 of this bill require an insurer offering a Medicare supplemental policy or the Public Employees' Benefits Program or any local government that provides a similar policy for public employees to offer an open enrollment period for persons covered by such policies, during which the insurer or governmental entity is prohibited from placing certain restrictions on the issuance of such a policy. Section 2 of this bill makes a conforming change to apply the provisions of section 1 to nonprofit hospital and medical or dental service corporations that issue such policies.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits ~~including, without limitation, innovative~~ Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), ~~as the policy under which the person is currently insured.~~ must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.*

2. *During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.*

3. *At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:*

(a) *The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and*

(b) *Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.*

4. *As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.*

Sec. 2. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, *and section 1 of this act*, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term “insurer.”

Sec. 3. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, *section 1 of this act*, 689B.030 to 689B.050, inclusive, 689B.287 and 689B.500 apply to coverage provided pursuant to this

paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

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

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

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

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

Sec. 4. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, *section 1*

of this act, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 5. 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. 6. This act becomes effective on January 1, 2022.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 624 to Assembly Bill No. 250 provides that innovative benefits must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 261.

Bill read second time and ordered to third reading.

Assembly Bill No. 277.

Bill read second time.

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

Amendment No. 553.

SUMMARY—Revises provisions governing insurance. (BDR 57-984)

AN ACT relating to insurance; ~~requiring the amount paid by an insurance company for the coverage of certain medical expenses resulting from the crash of a passenger car to be based on the actual charges incurred, providing that an insured person may request that certain payments made to the insured person be deposited to the trust account maintained by the attorney of the insured person;~~ revising provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for personal injury asserted under a policy of motor vehicle insurance; ~~covering certain motor vehicles and motorcycles;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires insurance companies transacting motor vehicle insurance in this State to offer to insured persons the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expense resulting from a crash. Under existing law, this option only applies to policies that cover passenger cars. (NRS 687B.145) If an insured person purchases this option, section 1 of this bill requires that the amount paid by the insurance company to cover medical expenses resulting from the crash of a passenger car be based on the actual charges incurred. Section 1 defines "actual charges incurred" to mean the charges that a provider of health care would bill an uninsured patient in the locality where the medical~~

~~expenses were incurred. Finally, section 1 provides that any such payment made to an insured person by the insurance company may be deposited to the trust account maintained by the attorney of the insured person under certain circumstances. Section 1 provides that such a deposit to a trust account can only occur if the insured person requests in writing that payment be deposited to the trust account.~~

~~Section 2 of this bill requires the insurer of a party against whom a claim is asserted for personal injury under a policy of motor vehicle insurance covering a passenger car or a motorcycle to immediately disclose to the claimant all pertinent facts or provisions of the policy relating to any coverage at issue, including policy limits. Section 2 requires an insurer to disclose policy limits by certain means. Section 2 requires the claimant or the claimant's attorney to provide to the party or the party's attorney and the insurer, not more than once every 90 days, all medical reports, records and bills concerning the claim.] Section 2 [provides that in lieu of the claimant or the claimant's attorney providing such reports, records and bills, the] of this bill authorizes a claimant or the claimant's attorney [may] to provide a written authorization to allow the party against whom a claim is asserted for personal injury under a policy of motor vehicle insurance or the party's attorney and the insurer of the party to receive ~~the~~ all reports, records, films and bills from the claimant's provider of health care. If [the reports, records and bills are provided pursuant to] such a written authorization [is] is provided, section 2 : (1) requires the insurer of the party to, within 5 business days after receiving the written authorization, disclose to the claimant or the claimant's attorney a copy of the declarations page of the policy, with certain redactions to the declaration page being authorized; and (2) authorizes the claimant or the claimant's attorney to request copies of all such reports, records, films and bills from the party, the party's attorney or the insurer [is] of the party.~~

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

Section 1. ~~NRS 687B.145 is hereby amended to read as follows:~~

~~687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to the insured under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.~~

~~2. Except as otherwise provided in subsection 5, insurance companies transacting motor vehicle insurance in this State must offer, on a form~~

~~approved by the Commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer which the insured is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator. If an insured suffers actual damages subject to the limitation of liability provided pursuant to NRS 41.035, underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer for the actual damages suffered by the insured that exceed that limitation of liability.~~

~~3. An insurance company transacting motor vehicle insurance in this State must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash. The offer must be made on a form approved by the Commissioner. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. *If an insured purchases coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash and an applicable claimant seeks the payment of reasonable and necessary medical expenses resulting from a crash, the amount paid by the insurance company must be based on the actual charges incurred. If the claimant is represented by an attorney, any payment made to the claimant pursuant to this section may be deposited to the trust account maintained by the attorney of the claimant if the claimant requests in writing that the payment be deposited to the trust account.*~~

~~4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 600B.020 with respect to uninsured vehicle coverage. As used in this subsection, "damages" means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist's policy of casualty insurance.~~

~~5. An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.~~

~~6. As used in this section:~~

~~(a) "Actual charges incurred" means the charges that an applicable provider of health care would bill an uninsured patient for the applicable health care services. The term does not include charges which the provider of health care would bill based upon any discounts or reduced rates resulting from any:~~

~~(1) Policy of health insurance; or~~

~~(2) Payment rates or schedules for Medicare, Medicaid or any other similar public welfare program.~~

~~(b) "Excess policy" means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.~~

~~[(b)] (c) "Health care services" has the meaning ascribed to it in NRS 695G.022.~~

~~(d) "Passenger car" has the meaning ascribed to it in NRS 482.087.~~

~~[(c)] (e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(f) "Umbrella policy" means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.]~~

~~(Deleted by amendment.)~~

Sec. 2. NRS 690B.024 is hereby amended to read as follows:

690B.024 1. ~~[Any The insurer of any party against whom a claim is asserted for compensation or damages for any mental or physical personal injury under a policy of motor vehicle insurance may require covering a passenger car or motorcycle shall immediately disclose to the claimant all pertinent facts or provisions of the policy relating to any coverage at issue, including, without limitation, policy limits. An insurer shall disclose policy limits by sending to the electronic mail address or mailing to the postal address of the claimant or any attorney representing the claimant a copy of the policy, including, without limitation, the declarations page of the policy.~~

~~→ The insurer may redact personal and private information from the declarations page of the policy.~~

~~2. Except as otherwise provided in this subsection, the claimant or any attorney representing the claimant to shall provide to the party or any attorney of the party and to the insurer of the party, not more than once every 90 days, all medical reports, records and bills concerning the claim. In lieu of providing medical reports, records and bills pursuant to this subsection, the] A claimant or any attorney representing the claimant may provide to the party against whom a claim is asserted for compensation or damages for any mental or~~

physical injury under a policy of motor vehicle insurance or any attorney of the party and to the insurer of the party a written authorization to receive all ~~the~~ medical reports, records, films and bills related to the claim from the providers ~~provider~~ of health care. An authorization so provided may not be revoked without cause.

2. If a written authorization is provided pursuant to subsection 1, the insurer of the party shall, within 5 business days after receiving the written authorization, disclose to the claimant or any attorney representing the claimant a copy of the declarations page of the policy of motor vehicle insurance. The insurer of the party may redact personal information from the declarations page of the policy, except that the name of the party and the policy limits must not be redacted.

3. At the written request of the claimant or the attorney of the claimant, copies of all medical reports, records, films and bills obtained by a written authorization pursuant to subsection 1 ~~1~~ must be provided to the claimant or the attorney of the claimant within 30 days after the date they are received by the party, any attorney of the party or the insurer ~~of the party~~. If the claimant or the attorney of the claimant makes a written request for the medical reports, records, films and bills, the claimant or the attorney of the claimant shall pay for the reasonable costs of copying the medical reports, records, films and bills.

~~{3. Within 10 days after receipt of a written authorization pursuant to subsection 1, the insurer who issued the policy specified in subsection 1 shall, upon request, provide the claimant or any attorney representing the claimant with all pertinent facts or provisions of the policy relating to any coverage at issue, including policy limits.}~~

~~4. [The provisions of subsections 1, 2 and 3 cease to apply upon the commencement of an action in court arising from a claim asserted under a policy of motor vehicle insurance.~~

~~5.] As used in this section, “provider ~~is~~~~

~~(a) “Motorcycle” has the meaning ascribed to it in NRS 482.070.~~

~~(b) “Passenger car” has the meaning ascribed to it in NRS 482.087.~~

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 553 makes three changes to Assembly Bill No. 277. The amendment deletes section 1 of the bill, which requires the amount paid by an insurance company for the optional coverage for the payment of reasonable and necessary medical expenses resulting from a crash be based on the actual charges for the locality where the medical expenses were incurred. It deletes provisions in section 2 relating to the exchange of medical and insurance information by certain persons involved in a personal injury claim under a motor vehicle insurance policy. It provides that an insurer must disclose, within five business days, a copy of the declarations page of an insurance policy covering passenger car or motorcycle to certain persons involved in a personal injury claim under the policy.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Assembly Bill No. 307.

Bill read second time and ordered to third reading.

Assembly Bill No. 316.

Bill read second time and ordered to third reading.

Assembly Bill No. 318.

Bill read second time and ordered to third reading.

Assembly Bill No. 320.

Bill read second time.

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

Amendment No. 561.

SUMMARY—Revises provisions governing the operation of large all-terrain vehicles on certain streets and highways. (BDR 43-196)

AN ACT relating to off-highway vehicles; revising provisions governing the operation of certain large all-terrain vehicles on certain streets and highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county highway commissioners to lay out and designate roads as main, general or minor county roads. (NRS 403.170) Existing law defines a "large all-terrain vehicle" as any all-terrain vehicle that includes seating capacity for at least two people abreast and: (1) total seating capacity for at least four people; or (2) a truck bed. (NRS 490.043) Under existing law, a person may operate a large all-terrain vehicle on any portion of a highway designated as a general county road or minor county road if the large all-terrain vehicle: (1) has the equipment required for operation on a highway; and (2) is registered with the Department of Motor Vehicles as a motor vehicle intended to be operated upon the highways of this State. Existing law also provides that the governing body of a city or county which contains all or a portion of a highway designated as a general county road or a minor county road may prohibit the operation of a large all-terrain vehicle on any portion of such a road. (NRS 490.105)

~~Section 1 of this bill revises the definition of a large all-terrain vehicle to mean any all-terrain vehicle that has non-straddle seats and seating capacity for at least two people. Section 2 of this bill authorizes a person to operate a large all-terrain vehicle on a highway that has been designated as a main county road, unless the governing body of a city or county which contains all or a portion of such a highway prohibits the operation of a large all-terrain vehicle on any portion of such a highway.~~

~~Section 2 additionally~~ This bill authorizes a person to operate a large all-terrain vehicle on a city street within a city ~~or township~~ whose population is less than 25,000 (currently all cities except Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or on a portion of a highway that has been designated as a main county road if: (1) the large all-terrain vehicle has the equipment required for operation on a highway; ~~and~~ (2) the large all-terrain vehicle is registered with the Department of Motor Vehicles as a motor vehicle intended to be operated upon the highways of this State. ~~Section 2 authorizes~~ ; and (3) the governing body of the city ~~or county~~ ~~or township having~~ with jurisdiction over ~~such a~~ ~~the~~ street ~~(to prohibit)~~ or highway enacts an ordinance or resolution authorizing the operation of ~~a~~ large all-terrain ~~vehicle~~ vehicles on any portion of such a street ~~or~~ highway.

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

Section 1. ~~NRS 490.043 is hereby amended to read as follows:~~

~~490.043 “Large all terrain vehicle” means any all terrain vehicle that has non-straddle seats and includes seating capacity for at least two people abreast and:~~

- ~~1. Total seating capacity for at least four people; or~~
- ~~2. A truck bed. (Deleted by amendment.)~~

Sec. 2. NRS 490.105 is hereby amended to read as follows:

490.105 1. Except as otherwise provided in subsection 2, a person may operate a large all-terrain vehicle on any portion of a highway that has been designated in accordance with NRS 403.170 as a ~~main county road,~~ general county road or minor county road if the large all-terrain vehicle:

- (a) Meets the requirements set forth in NRS 490.120; and
- (b) Is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State.

2. The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a ~~main county road,~~ general county road or minor county road may by ordinance or resolution prohibit the operation of large all-terrain vehicles on any portion of such a road.

3. ~~Except as otherwise provided in this subsection, a~~ A person may operate a large all-terrain vehicle on a city street within a city ~~or township~~ whose population is less than 25,000 or on a portion of a highway that has been designated as a main county road if ~~the~~ :

(a) The large all-terrain vehicle satisfies the requirements of paragraphs (a) and (b) of subsection 1 ~~or~~ ; and

(b) The governing body of the city ~~or the governing body of the county~~ ~~or township~~ having jurisdiction over ~~such a~~ ~~the~~ street ~~may by~~ or highway enacts an ordinance or resolution ~~prohibit~~ authorizing the operation of large all-terrain vehicles on any portion of such a street ~~or~~ highway.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 561 to Assembly Bill No. 320 changes the bill back to the "as introduced" version.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 325.

Bill read second time and ordered to third reading.

Assembly Bill No. 327.

Bill read second time.

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

Amendment No. 555.

SUMMARY—Requires certain mental health professionals to complete continuing education relating to cultural competency. (BDR 54-175)

AN ACT relating to mental health; requiring certain mental health professionals to complete continuing education concerning cultural competency and diversity, equity and inclusion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires behavior analysts, physicians, physician assistants, nurses, psychologists, marriage and family therapists, clinical professional counselors, social workers, clinical alcohol and drug counselors, alcohol and drug counselors and problem gambling counselors to complete certain continuing education as a condition to the renewal of a license or certificate. (NRS 437.225, 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450) Existing law requires certain facilities that provide health care to conduct training relating to cultural competency for any agent or employee of such a facility who provides care to a patient or resident of the facility. (NRS 449.103) Sections 1-7.5 of this bill require a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse, marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, problem gambling counselor or behavior analyst to complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion as part of that continuing education. Sections 1-7.5 authorize such a provider who receives training relating to cultural competency as the employee of a facility that provides health care to use that training to satisfy the requirement that such a provider complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion. Sections 1-7.5 require such cultural competency training to address persons from different cultural backgrounds, including: (1) persons from various gender, racial and ethnic backgrounds; (2) persons from various religious backgrounds; (3) lesbian, gay, bisexual, transgender and questioning persons; (4) children and senior citizens;

(5) veterans; (6) persons with mental illness; (7) persons with an intellectual disability, developmental disability or physical disability; and (8) other populations designated by the applicable licensing Board.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

- (a) Renewal of a license as a physician assistant; or
- (b) Biennial registration of the holder of a license to practice medicine, require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection ~~[5.]~~ 6.

(d) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction ~~may~~:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

~~{3-}~~

3. The Board may ~~{thereafter}~~ determine whether to include in a program of continuing education ~~{additional}~~ courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction ~~{-}~~ *in addition to the course of instruction required by paragraph (b) of subsection 2.*

~~{3-}~~ 4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

~~{4-}~~ 5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

~~{5-}~~ 6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

- (a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;
- (b) Approaches to engaging other professionals in suicide intervention; and
- (c) The detection of suicidal thoughts and ideations and the prevention of suicide.

~~{6-}~~ 7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~{7.}~~ 8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~{8.}~~ 9. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or care for persons with an addictive disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~{9.}~~ 10. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- (e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

- (a) For a person licensed as an advanced practice registered nurse, a course of instruction to be completed within 2 years after initial licensure that

provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection ~~[5-]~~ 6.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

(c) *For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction ~~may~~:*

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

~~[→]~~

4. The Board may ~~[hereafter]~~ determine whether to include in a program of continuing education ~~[additional]~~ courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction ~~[]~~ in addition to the course of instruction required by paragraph (b) of subsection 3.

~~[4-]~~ 5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their

continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

~~{5-}~~ 6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

~~{6-}~~ 7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~{7-}~~ 8. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- (e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 3. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~{10}~~ 11 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements

for continuing medical education of the American Osteopathic Association;
and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 8.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or care of persons with addictive disorders.

8. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

- (b) Approaches to engaging other professionals in suicide intervention; and
- (c) The detection of suicidal thoughts and ideations and the prevention of suicide.

9. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. *The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction ~~may~~:*

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

11. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 4. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Board for renewal;
- (b) Pay the biennial fee for the renewal of a license;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and
- (d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation ~~[-a]~~ :

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this ~~subsection~~ paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction ~~may~~ :

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 5. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation ~~[-a]~~ :

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of

instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction ~~may~~ :

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 6. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation ~~[a]~~ :

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction ~~may~~ :

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 7. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate . ~~§~~

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470 . ~~§~~

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation ~~§, a~~ :

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification . ~~§~~

(b) A requirement that the applicant receive at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction ~~may~~ :

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant. ~~} and }~~

5. All information required to complete the renewal.

Sec. 7.5. NRS 437.225 is hereby amended to read as follows:

437.225 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Division for renewal;
- (b) Pay the biennial fee for the renewal of a license or registration;
- (c) Submit evidence to the Division:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable. ~~} and }~~

(b) Include, without limitation ~~a~~ a ~~fee~~

~~(1) A~~ requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

~~(2) A~~ (c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction ~~may~~ :

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose 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 January 1, 2022, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 555 makes two changes to Assembly Bill No. 327. The amendment adds a joint sponsor and provides that the curriculum for the required training be based upon a range of research drawn from diverse sources, and the instruction addresses persons of different cultural backgrounds.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 585.

SUMMARY—~~Provides for the development of plans for conducting walking audits of urbanized areas in certain counties.~~ Revises provisions governing certain regional transportation commissions. (BDR ~~[S 742]~~ 17-742)

AN ACT relating to ~~public health;~~ regional transportation commissions; authorizing certain regional transportation commissions to request the drafting of not more than one legislative measure for each regular session of the Legislature; requiring the development of plans for conducting walking audits of urbanized areas in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the establishment of regional transportation commissions in certain counties. (NRS 277A.170) ~~This~~ Existing law also prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 2.3 of this bill authorizes the regional transportation commission in a county whose

population is 100,000 or more (currently Clark and Washoe Counties) to request, for each regular session of the Legislature, the drafting of not more than one legislative measure which relates to matters within the scope of the regional transportation commission. Section 3 of this bill requires the regional transportation commission in a county whose population is 100,000 or more, ~~[(currently Clark and Washoe Counties),]~~ in collaboration with certain other state and local agencies, to develop and submit to the district health department and the Legislative Committee on Health Care a written plan for conducting walking audits of urbanized areas within the county.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, each regional transportation commission created pursuant to NRS 277A.170 in a county whose population is 100,000 or more may request the drafting of not more than one legislative measure which relates to matters within the scope of the commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 2.5. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, *and section 2.3 of this act* apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 2.3 of this act* for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 2.3 of this act* but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 3. 1. The regional transportation commission in a county whose population is 700,000 or more shall, in collaboration with the district health

department and district board of health created by NRS 439.362, other local governments in the urbanized areas of the county and, to the extent feasible and appropriate, the Department of Transportation:

- (a) Develop a written plan for conducting walking audits of urbanized areas within the county; and
- (b) Not later than June 1, 2022, submit the plan to:
 - (1) The district health department; and
 - (2) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.

2. The regional transportation commission in a county whose population is 100,000 or more but less than 700,000 shall, in collaboration with the regional planning commission created by NRS 278.0262, the governing board for regional planning created by NRS 278.0264, the district health department and district board of health created in the county pursuant to NRS 439.370, other local governments in the urbanized areas of the county and, to the extent feasible and appropriate, the Department of Transportation:

- (a) Develop a written plan for conducting walking audits of urbanized areas within the county; and
- (b) Not later than June 1, 2022, submit the plan to:
 - (1) The district health department; and
 - (2) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.

3. A plan developed pursuant to subsection 1 or 2 must:

- (a) Identify the agencies that will conduct the audits and the responsibilities of those agencies;
- (b) Identify the priorities that will be considered when designating areas to be audited;
- (c) Identify the size of the areas to be audited;
- (d) Identify any additional parameters for the audits or information that must be included in the audits;
- (e) Identify any additional public or private entities that will be involved in the audits;
- (f) Identify ways to engage the community in the area where an audit is conducted in the audit;
- (g) Prescribe a regular schedule for the audits and the number of audits that must be conducted each year; and
- (h) Prescribe formats for displaying and publishing the results of the audits, including, without limitation, the use of geographic information systems technology to collect and display data from the audits and the posting of the results of any walking audit on the Internet website of the district health department of the county in which the audit was conducted.

4. As used in this section, “walking audit” means an audit to evaluate how land use, site design and ease and safety of access on varying scales affect public health and suggest enhancements to improve public health within the audited area. A walking audit may:

(a) Involve persons with various roles in the community, which may include, without limitation, teachers, operators and employees of local businesses, members of planning commissions, community organizations, residents and representatives of community organizations; and

(b) As part of the evaluation of how land use, site design and ease and safety of access affect public health, assess whether:

(1) An area is safe and has adequate lighting at night;

(2) There are curb cuts and audible crosswalks that provide pedestrians with sufficient time to cross the street;

(3) Sidewalks are in good condition and free of barriers;

(4) There are benches and other places available for pedestrians to rest; and

(5) Healthy food is available in the area.

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.] (Deleted by amendment.)~~

Sec. 5. This act becomes effective upon passage and approval.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 585 to Assembly Bill No. 343 authorizes each regional transportation commission in a county whose population is 100,000 or more to request, for each regular Session of the Legislature, the drafting of not more than one legislative measure that relates to matters within the scope of the commission.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 584.

SUMMARY—Revises provisions relating to drug paraphernalia. (BDR 40-978)

AN ACT relating to drug paraphernalia; providing that it is not unlawful to provide, administer or use a testing product for certain purposes; exempting a person or entity acting in good faith and with reasonable care from professional discipline and civil liability for providing, administering or using a testing product for those purposes; excluding ~~[fentanyl test strips]~~ testing products from the list of drug paraphernalia that is prohibited for delivery, sale, possession, manufacture, advertising or use in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a felony to deliver, sell, possess with intent to sell or manufacture with intent to deliver or sell drug paraphernalia when the person engaging in the delivery, sale, possession or manufacture knows or reasonably

should know that the drug paraphernalia will be used as such. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) Existing law additionally makes it a misdemeanor to: (1) advertise drug paraphernalia in print where one knows or should know that the advertisement is for the purpose of promoting objects designed or intended for use as drug paraphernalia; (2) use drug paraphernalia as such; or (3) possess drug paraphernalia with the intent to use it as such. (NRS 453.564, 453.566) ~~This~~ Section 1 of this bill provides that it is not unlawful to provide, administer or use a testing product to assist a person in determining whether a controlled substance contains chemicals, toxic substances or hazardous compounds. Section 1 also exempts a person or entity who acts in good faith and with reasonable care in providing, administering or using a testing product for that purpose from professional discipline and civil liability. Section 2 of this bill excludes ~~(fentanyl test strips)~~ testing products from the definition of the term “drug paraphernalia” for the purposes of those offenses. Section 3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is not unlawful to provide, administer or use a testing product to assist a person in determining whether a controlled substance contains chemicals, toxic substances or hazardous compounds.

2. A person or entity who, acting in good faith and with reasonable care, provides, administers or uses a testing product to assist another person in determining whether a controlled substance contains chemicals, toxic substances or hazardous compounds is immune from sanction under any professional licensing statute and civil liability for such an act.

3. As used in this section, “testing product” has the meaning ascribed to it in NRS 453.554.

~~Section 1.~~ Sec. 2. NRS 453.554 is hereby amended to read as follows:
453.554 1. Except as otherwise provided in subsection 2, as used in NRS 453.554 to 453.566, inclusive, and section 1 of this act, unless the context otherwise requires, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment, ~~other than fentanyl test strips, testing products~~, used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

(k) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(2) Water pipes;

(3) Smoking masks;

(4) Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(5) Cocaine spoons and cocaine vials;

(6) Carburetor pipes and carburetion tubes and devices;

(7) Chamber pipes;

(8) Electric pipes;

(9) Air-driven pipes;

(10) Chillums;

(11) Bongs; and

(12) Ice pipes or chillers.

2. The term does not include ~~any~~ :

(a) Any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection ~~;~~; or

(b) ~~Fentanyl test strips~~, Testing products.

3. As used in this section ~~f, "fentanyl"~~ :

(a) “Fentanyl test strip” means a strip used to rapidly test for the presence of fentanyl or other synthetic opiates.

(b) “Testing product” means a product, including, without limitation, a fentanyl test strip, that analyzes a controlled substance for the presence of adulterants.

Sec. 3. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive ~~and~~, and section 1 of this act;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person’s parole or probation,

↪ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance;

or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, “drug or alcohol overdose” means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 4. This act becomes effective upon passage and approval.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 584 to Assembly Bill No. 345 provides that it is not unlawful to provide, administer or use a testing product to assist a person in determining whether a controlled substance contains chemicals, toxic substances or hazardous compounds. It exempts a person or entity who acts in good faith and with reasonable care in making such a determination from professional discipline and civil liability. It expands the exclusion from the definition of “drug paraphernalia” from Fentanyl test strips to testing products generally. It makes the bill effective upon passage and approval and adds Senator Donate as a sponsor.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time and ordered to third reading.

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 583.

SUMMARY—Establishes the Statewide Substance Use Response Working Group. (BDR 40-991)

AN ACT relating to substance use disorders; creating the Statewide Substance Use Response Working Group; requiring the Working Group to review certain issues relating to substance misuse and substance use disorders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to formulate a comprehensive state plan for programs for alcohol and other substance use disorders. (NRS 458.025) Section 6 of this bill creates the Statewide Substance Use Response Working Group within the Office of the Attorney General, and section 7 of this bill prescribes requirements for the operation of the Working Group. Section 10 of this bill requires the Working Group to comprehensively review various aspects of substance misuse and substance use disorders and

programs and activities to combat substance misuse and substance use disorders in this State. Section 10.5 of this bill requires the Department of Health and Human Services to annually report to the Working Group concerning the use of state and local money to address substance misuse and substance use disorders, and section 10 requires the Working Group to study, evaluate and make recommendations concerning the use of that money. Section 10 also requires the Working Group to submit annually a report of its recommendations to the Governor, the Attorney General, the Legislature and certain other entities.

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

Section 1. Chapter 458 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. *As used in sections 5 to 10.5, inclusive, of this act, unless the context otherwise requires, "Working Group" means the Statewide Substance Use Response Working Group created by section 6 of this act.*

Sec. 6. 1. *The Statewide Substance Use Response Working Group is hereby created in the Office of the Attorney General.*

2. *The Working Group consists of the following members:*

(a) *The Attorney General or his or her designee;*

(b) *The Director of the Department of Health and Human Services, or his or her designee;*

(c) *One member of the Senate who is appointed by the Senate Majority Leader;*

(d) *One member of the Senate who is appointed by the Senate Minority Leader;*

(e) *One member of the Assembly who is appointed by the Speaker of the Assembly;*

(f) *One member of the Assembly who is appointed by the Assembly Minority Leader; and*

(g) *The following members, appointed by the Attorney General:*

(1) *One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more;*

(2) *One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000;*

(3) *One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000;*

(4) *One provider of health care with expertise in medicine for the treatment of substance use disorders;*

- (5) *One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization;*
- (6) *One advocate for persons who have substance use disorders and family members of such persons;*
- (7) *One person who is in recovery from a substance use disorder;*
- (8) *One person who provides services relating to the treatment of substance use disorders;*
- (9) *One representative of a substance use disorder prevention coalition;*
~~and~~
- (10) *One representative of a program to reduce the harm caused by substance misuse; ~~and~~*
- (11) *One representative of a hospital; and*
- (12) *One representative of a school district.*

3. *After the initial terms, members of the Working Group serve terms of 2 years and serve at the pleasure of the appointing authority. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments.*

4. *If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.*

5. *Members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

6. *A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:*

- (a) *Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or*
- (b) *Take annual leave or compensatory time for the absence.*

7. *As used in this section, "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. 7. 1. *At the first meeting of each calendar year, the Working Group shall elect from its members a Chair and a Vice Chair.*

2. *The Working Group shall meet at the call of the Chair or a majority of its members.*

3. *A majority of the members of the Working Group constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Working Group.*

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. *The Working Group shall:*

(a) Leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and identify ways to enhance those efforts through coordination and collaboration.

(b) Assess evidence-based strategies for preventing substance use and intervening to stop substance use, including, without limitation, the use of heroin, other synthetic and non-synthetic opioids and stimulants. Such strategies must include, without limitation, strategies to:

(1) Help persons at risk of a substance use disorder avoid developing a substance use disorder;

(2) Discover potentially problematic substance use in a person and intervene before the person develops a substance use disorder;

(3) Treat the medical consequences of a substance use disorder in a person and facilitate the treatment of the substance use disorder to minimize further harm; and

(4) Reduce the harm caused by substance use, including, without limitation, by preventing overdoses.

(c) Assess and evaluate existing pathways to treatment and recovery for persons with substance use disorders, including, without limitation, such persons who are members of special populations.

(d) Work to understand how residents of this State who are involved in the criminal justice system access supports for treatment of and recovery from substance use disorders at various points, including, without limitation, by reviewing existing diversion, deflection and reentry programs for such persons.

(e) Evaluate ways to improve and expand evidence-based or evidence-informed programs, procedures and strategies to treat and support recovery from opioid use disorder and any co-occurring substance use disorder, including, without limitation, among members of special populations.

(f) Examine support systems and programs for persons who are in recovery from opioid use disorder and any co-occurring substance use disorder.

(g) Make recommendations to entities including, without limitation, the State Board of Pharmacy, professional licensing boards that license practitioners, other than veterinarians, the State Board of Health, the Division, the Governor and the Legislature, to ensure that controlled substances are appropriately prescribed in accordance with the provisions of NRS 639.2391 to 639.23916, inclusive.

(h) Examine qualitative and quantitative data to understand the risk factors that contribute to substance use and the rates of substance use and substance use disorders, focusing on special populations.

(i) Develop strategies for local, state and federal law enforcement and public health agencies to respond to and prevent overdoses and plans for implementing those strategies.

(j) Study the efficacy and expand the implementation of programs to:

(1) Educate youth and families about the effects of substance use and substance use disorders; and

(2) Reduce the harms associated with substance use and substance use disorders while referring persons with substance use disorders to evidence-based treatment.

(k) Recommend strategies to improve coordination between local, state and federal law enforcement and public health agencies to enhance the communication of timely and relevant information relating to substance use and reduce duplicative data collection and research.

(l) Evaluate current systems for sharing information between agencies regarding the trafficking and distribution of legal and illegal substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(m) Study the effects of substance use disorders on the criminal justice system, including, without limitation, law enforcement agencies and correctional institutions.

(n) Study the sources and manufacturers of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and methods and resources for preventing the manufacture, trafficking and sale of such substances.

(o) Study the effectiveness of criminal and civil penalties at preventing the misuse of substances and substance use disorders and the manufacture, trafficking and sale of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(p) Evaluate the effects of substance use disorders on the economy of this State.

(q) Study, evaluate and make recommendations to the Department of Health and Human Services concerning the use of the money described in section 10.5 of this act to address substance use disorders, with a focus on:

(1) The use of the money described in subsections 1, 2 and 3 of section 10.5 of this act to supplement rather than supplant existing state or local spending;

(2) The use of the money described in section 10.5 of this act to support programs that use evidence-based interventions;

(3) The use of the money described in section 10.5 of this act to support programs for the prevention of substance use disorders in youth;

(4) The use of the money described in section 10.5 of this act to improve racial equity; and

(5) Reporting by state and local agencies to the public concerning the funding of programs to address substance misuse and substance use disorders.

2. On or before January 31 of each year, the Working Group shall:

(a) Compile a report which includes, without limitation, recommendations for the establishment, maintenance, expansion or improvement of programs to address substance misuse and substance use disorders based on the evaluations conducted pursuant to subsection 1; and

(b) Submit the report to the Governor, the Attorney General, the Advisory Commission on the Administration of Justice, any other entities deemed appropriate by the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:

(1) During an even-numbered year, the Legislative Committee on Health Care and the Interim Finance Committee; or

(2) During an odd-numbered year, the next regular session of the Legislature.

3. As used in this section:

(a) "Practitioner" has the meaning ascribed to it in NRS 639.0125.

(b) "Special populations" includes, without limitation:

(1) Veterans, elderly persons and youth;

(2) Persons who are incarcerated, persons who have committed nonviolent crimes primarily driven by a substance use disorder and other persons involved in the criminal justice or juvenile justice systems;

(3) Pregnant women and the parents of dependent children;

(4) Lesbian, gay, bisexual, transgender and questioning persons;

(5) Intravenous drug users;

(6) Children who are involved with the child welfare system; and

(7) Other populations disproportionately impacted by substance use disorders.

(c) "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. 10.5. The Department of Health and Human Services shall annually submit to the Working Group a report concerning the use of:

1. All money received by this State pursuant to any settlement entered into by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids;

2. All money recovered by this State from a judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids;

3. Any gifts, grants or donations received by the State and each political subdivision of the State for purposes relating to substance misuse and substance use disorders; and

4. All other money spent by the State and each political subdivision of the State for purposes relating to substance misuse and substance use disorders.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.5. 1. As soon as practicable after the effective date of this act:

(a) The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly and Assembly Minority Leader shall appoint to the Working Group the members described in paragraphs (c), (d), (e) and (f), respectively, of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023.

(b) The Attorney General shall appoint to the Working Group:

(1) The members described in subparagraphs (1) ~~[(2) and (3)]~~ to (4), inclusive, of paragraph (g) of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023; and

(2) The members described in subparagraphs ~~[(4)]~~ (5) to ~~[(10)]~~, (12), inclusive, of paragraph (g) of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2024.

2. As used in this section, “Working Group” means the Statewide Substance Use Response Working Group created by section 6 of this act.

Sec. 13. 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. 14. This act becomes effective upon passage and approval.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 583 to Assembly Bill No. 374 adds one representative of a hospital and one representative of a school district to the Statewide Substance Use Response Working Group.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time.

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

Amendment No. 560.

SUMMARY—Revises provisions governing access to broadband services. (BDR ~~[(58-790)]~~ 18-790)

AN ACT relating to telecommunication service; requiring the ~~Public Utilities Commission of Nevada~~ State Treasurer to establish a program to enable voluntary contributions for infrastructure grants for broadband deployment; ~~establishing certain requirements for the program;~~ requiring the Office of Science, Innovation and Technology in the Office of the Governor to establish a program to make infrastructure grants for broadband deployment; requiring the Office of Science, Innovation and Technology to

establish a program to encourage deployment of broadband infrastructure in certain communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. (Chapter 704 of NRS)~~

~~Section 2 of this bill provides a definition of "broadband service." Sections 4 and 6 of this bill make conforming changes. Section 4 indicates the proper placement of section 2 within the Nevada Revised Statutes and section 6 deletes an existing definition which is being replaced by section 2.]~~

~~Section 3] 7.92 of this bill requires the [Commission] State Treasurer to establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer to opt in and make voluntary monetary contributions as part of the customer's monthly bill . [for distribution to the Office of Science, Innovation and Technology in the Office of the Governor to administer a program of infrastructure grants for broadband deployment. Section 3.5 of this bill creates an account within what is commonly called the Nevada Universal Service Fund to facilitate the financial relations between the two programs. Section 4.5 of this bill revises the statutory name of that fund as a result of its expanded purpose. Existing law imposes certain limits on the jurisdiction of the Commission over broadband services. (NRS 704.684) Section 6 of this bill provides that those limits do not prevent the Commission from carrying out its duties concerning the voluntary contribution program for broadband infrastructure created by section 3.] Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999) Section 7.92 makes a willful violation of any regulation adopted by the State Treasurer concerning the voluntary contribution program a deceptive trade practice.~~

~~Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and prescribes its powers and duties and those of its Director. (NRS 223.600-223.650) Section 7.8 of this bill requires the Director of the Office of Science, Innovation and Technology to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. Section 7.5 of this bill creates the Account for the Grant Program for Broadband Infrastructure for the deposit of money collected by the State Treasurer from participating providers in the voluntary contribution program established pursuant to section 7.92. Section 7.5 requires that money deposited in the Account be used to: (1) provide infrastructure grants pursuant to the program established pursuant to section 7.8; and~~

(2) defray the costs of establishing and administering the programs established pursuant to sections 7.8 and 7.92.

~~Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and prescribes its powers and duties and those of its Director. (NRS 223.600-223.650) Sections 7.2-7.9 of this bill expand those powers and duties. In particular, section~~ Section 7.6 of this bill requires the Director of the Office of Science, Innovation and Technology to ~~at least~~ biennially: (1) ~~collect and map broadband speed data in each county in this State;~~ (2) prepare a report concerning the availability of broadband service in this State; and ~~(3)~~ (2) submit the report to the Governor and Legislature. ~~Section~~ Sections 7.7 and 7.93 of this bill ~~requires~~ require the Office, on or before October 1, 2021, to establish and administer a Broadband Ready Communities Certification program ~~in order to encourage~~ for the purpose of encouraging the deployment of broadband infrastructure in underserved communities. ~~and prescribes certain required elements of the program. Section 7.8 of this bill requires the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. The program is funded using money distributed to the Office by the voluntary contribution program for broadband infrastructure created by section 3.~~

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

Section 1. ~~Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.5, inclusive, of this act. (Deleted by amendment.)~~

Sec. 2. ~~“Broadband service” means any two-way service that transmits information at a rate that is generally not less than 25 megabits per second when downloading information and 3 megabits per second when uploading information. (Deleted by amendment.)~~

Sec. 2.5. ~~“Voluntary contribution program for broadband infrastructure” means the program established by the Commission pursuant to section 3 of this act. (Deleted by amendment.)~~

Sec. 3. ~~1. To the extent consistent with federal law, the Commission shall establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer of the provider to~~
~~opt in and make voluntary contributions as part of the customer’s monthly bill to fund a program of infrastructure grants for broadband deployment. The regulations must establish, without limitation:~~

~~—(a) Procedures to enable a provider of broadband or commercial mobile radio service to elect to participate in the program;~~

~~—(b) The manner in which a participating provider must give notice to its customers about the program;~~

~~(c) Procedures to enable a customer of a participating provider to opt in to the program and make contributions to the program;~~

~~(d) The manner in which a participating provider must collect and account for contributions to the program made by participating customers;~~

~~(e) Procedures governing the collection and accounting by the independent administrator selected by the Commission pursuant to NRS 704.040 of the contributions made to the program by participating customers and the use by the independent administrator of money from those contributions to defray costs incurred by the administrator as set forth in section 3.5 of this act; and~~

~~(f) Procedures for the distribution to the Office of Science, Innovation and Technology of money collected pursuant to the voluntary contribution program for broadband infrastructure by the independent administrator.~~

~~2. The Commission has jurisdiction over a provider of broadband or commercial mobile radio service who elects to participate in the voluntary contribution program for broadband infrastructure only for the purposes of~~

~~(a) Auditing and verifying the collection of contributions by participating customers of the provider; and~~

~~(b) Adjudicating complaints against the provider, if any, by participating customers concerning the program.} (Deleted by amendment.)~~

~~Sec. 3.5. [1. The Account for the Voluntary Contribution Program for Broadband Infrastructure is hereby created in the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telecommunication or broadband service.~~

~~2. The Account must be administered by the independent administrator of the fund selected by the Commission pursuant to NRS 704.040.~~

~~3. Any money collected pursuant to the voluntary contribution program for broadband infrastructure must be deposited in the Account.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~5. The money in the Account must only be used:~~

~~(a) To defray costs incurred by the independent administrator to administer the Account; and~~

~~(b) For distribution to the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act.~~

~~6. Claims against the Account must be paid as other claims against the State are paid.} (Deleted by amendment.)~~

~~Sec. 4. [NRS 704.005 is hereby amended to read as follows:~~

~~704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.006 to 704.028, inclusive, and sections 2 and 2.5 of this act have the meanings ascribed to them in those sections.} (Deleted by amendment.)~~

~~Sec. 4.5. [NRS 704.013 is hereby amended to read as follows:~~

~~704.013 "Fund to maintain the availability of [telephone] telecommunication or broadband service" means the fund established by the~~

~~Commission pursuant to NRS 704.040 to maintain the availability of telephone service.] (Deleted by amendment.)~~

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~[NRS 704.684 is hereby amended to read as follows:~~

~~704.684 1. Except as otherwise provided in this section, the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.~~

~~2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:~~

~~(a) Consider any revenues, costs and expenses that a small scale provider of last resort derives from providing a broadband service, if the Commission is determining the rates of the provider under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;~~

~~(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;~~

~~(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or~~

~~(d) Determine the rates, pricing, terms and conditions of intrastate switched or special access services provided by a telecommunication provider.~~

~~3. The provisions of subsection 1 do not:~~

~~(a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161;~~

~~(b) Prevent the Commission from exercising its authority pursuant to 47 U.S.C. § 214(e) or § 254(f) relating to the implementation of the federal universal service program, including, without limitation, taking any action within the scope of that authority because of a regulation or order of the Federal Communications Commission; [or]~~

~~(c) Limit or modify:~~

~~(1) The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or~~

~~(2) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882 [;~~

~~4. As used in this section, "broadband service" means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.] ; or~~

~~(d) Prevent the Commission from carrying out its duties concerning the voluntary contribution program for broadband infrastructure established by the Commission pursuant to section 3 of this act.] (Deleted by amendment.)~~

Sec. 7. (Deleted by amendment.)

Sec. 7.1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2 to 7.7, inclusive, of this act.

Sec. 7.2. ~~As used in NRS 223.600 to 223.650, inclusive, and sections 7.2 to 7.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7.3 and 7.4 of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 7.3. ~~“Broadband service” has the meaning ascribed to it in section 2 of this act.~~ (Deleted by amendment.)

Sec. 7.4. ~~“Voluntary contribution program for broadband infrastructure” has the meaning ascribed to it in section 2.5 of this act.~~ (Deleted by amendment.)

Sec. 7.5. 1. *The Account for the Grant Program for Broadband Infrastructure is hereby created in the State General Fund. The ~~Account must be administered by the~~ Director of the Office of Science, Innovation and Technology ~~shall administer the Account.~~*

2. ~~Any money transferred from the Account for the Voluntary Program for Broadband Infrastructure created by section 3.5 of this act established pursuant to section 3 of this act must be deposited in the Account.~~

~~3.~~ *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

3. *Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

4. *The money in the Account must only be used to:*

(a) *Make infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State established by the Director pursuant to subsection 5 of NRS 223.610; and*

(b) ~~Defray the costs incurred by the Director to establish and administer] of establishing and administering the ~~program] programs established pursuant to subsection 5 of NRS 223.610 and section 7.92 of this act.~~~~

5. *Claims against the Account must be paid as other claims against the State are paid.*

Sec. 7.6. *The Director of the Office of Science, Innovation and Technology shall, not less than biennially:*

1. ~~Collect and map broadband speed data at the address level in each county of this State;~~

~~2.~~ *Prepare a report that includes, without limitation:*

(a) *A summary of the availability of broadband services throughout the State; and*

(b) ~~Identification of each community that receives service at speeds at least as fast as those necessary to meet the definition of broadband service in section 2 of this act;~~

~~(c) Identification of each community that does not receive service or receives service at speeds that are not at least as fast as those necessary to meet the definition of broadband service in section 2 of this act; and~~

~~(d) Recommendations for the deployment of broadband infrastructure to underserved communities.~~

~~§ 2.2. Submit the report prepared pursuant to subsection § 2.1 to the Governor and 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.~~

Sec. 7.7. 1. The Office of Science, Innovation and Technology shall ~~§~~ ~~(a) Establish~~ establish and administer a Broadband Ready Community Certification program in order to encourage the deployment of broadband infrastructure in underserved communities in this State. ~~§~~

~~(b) Establish forms and procedures for the use of local governments that wish to obtain certification pursuant to this section;~~

~~(c) Develop a model ordinance for adoption by a local government which must include, without limitation:~~

~~(1) Suggestions for a local government to reduce obstacles to investment in broadband infrastructure;~~

~~(2) Suggestions for the implementation of policies that encourage the use of local shared utility trenches, commonly called "one dig policies";~~

~~(3) Requirements that the local government designate a single point of contact within the local government for all matters related to broadband services; and~~

~~(4) With respect to applications to the local government for permits and right of way uses, require that the local government:~~

~~(I) Provide for the electronic submission of such applications;~~

~~(II) Provide for expedited review of such applications;~~

~~(III) Notify an applicant whether the application is complete within 10 days after submission of the application;~~

~~(IV) Approve or deny an application within 60 days after submission of the application;~~

~~(V) If the application is denied, notify the applicant of specific corrective actions; and~~

~~(VI) Not require a fee for an application that exceeds \$100.]~~

2. The Office of Science, Innovation and Technology shall ~~certify~~ adopt regulations necessary to carry out the program established pursuant to subsection 1. Such regulations must include, without limitation:

(a) The requirements for a community to apply for and receive certification as a Broadband Ready Community; ~~if the local government:~~

~~(a) Submits an application for certification on the form and in the manner prescribed by the Office;] and~~

~~(b) [Adopts the model ordinance developed by the Office pursuant to paragraph (c) of subsection 1.~~

~~3.] The [Office of Science, Innovation and Technology may withdraw] grounds for withdrawal of a certification as a Broadband Ready Community _ [if a local government repeals or modifies the model ordinance or fails to comply with its requirements.~~

~~4.] 3. The Office of Science, Innovation and Technology shall post on an Internet website maintained by the Office, a list of each community in this State that has been certified as a Broadband Ready Community.~~

~~5. As used in this section, "local government" means a county, city or other unit of local government that has the authority to adopt ordinances.]~~

Sec. 7.8. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:

(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;

(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;

(c) Coordinating and processing applications for state and federal money relating to broadband services;

(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;

(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;

(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;

(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;

~~and]~~

(h) Administration of the trade policy for fiber optic infrastructure in this State ~~[]~~; and

(i) *Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act. The Director may adopt regulations to carry out his or duties pursuant to this paragraph.*

6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

8. Administer such grants as are provided by legislative appropriation.

Sec. 7.9. NRS 223.630 is hereby amended to read as follows:

223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the Director of the Office of Science, Innovation and Technology.

2. ~~[Any]~~ Except as otherwise provided in section 7.5 of this act, any money accepted pursuant to NRS 223.620 must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to carry out the duties of the Director.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 7.92. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent consistent with federal law, the State Treasurer shall establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer of the provider to opt in and make voluntary monetary contributions as part of the customer's monthly bill to fund a program of infrastructure grants for broadband deployment. The regulations must establish, without limitation:

(a) Procedures to enable a provider of broadband or commercial mobile radio service to elect to participate in the program;

(b) The manner in which a participating provider must give notice to its customers about the program;

(c) Procedures to enable a customer of a participating provider to opt in to the program and make contributions to the program; and

(d) The manner in which a participating provider must collect and account for contributions to the program made by participating customers.

2. The State Treasurer shall deposit money collected from participating providers in the program established pursuant to subsection 1 in the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act.

3. A willful violation by a participant in the program of any regulation adopted pursuant to subsection 1 constitutes a deceptive trade practice for purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 7.93. On or before October 31, 2021, the Office of Science, Innovation and Technology in the Office of the Governor established by NRS 223.600 shall, in consultation with representatives of local governments, providers of broadband or commercial mobile radio services and interested stakeholders identified by the Office of Science, Innovation and Technology, establish the program required by section 7.7 of this act.

Sec. 7.95. 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. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7.95, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 560 makes seven changes to Assembly Bill No. 388. It deletes new definition of "broadband." It moves responsibility for establishment and administration of the contribution program from the PUCN to the State Treasurer. It makes violation of program regulations a deceptive trade practice. The bill eliminates an account and ensures contributions do not revert to the General Fund. It deletes Office of Science, Innovation and Technology mapping requirement; and requires collaboration in creating certification program; and removes requirement for local government ordinances as part of certification program.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 397.

Bill read second time and ordered to third reading.

Assembly Bill No. 398.

Bill read second time and ordered to third reading.

Assembly Bill No. 409.

Bill read second time and ordered to third reading.

Assembly Bill No. 412.

Bill read second time.

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

Amendment No. 559.

SUMMARY—Revises provisions governing motor vehicles. (BDR 43-1050)

AN ACT relating to motor vehicles; revising provisions governing fully autonomous vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a low-speed vehicle is defined as a motor vehicle that:

(1) is 4-wheeled; (2) the speed of which that is attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface; (3) weighs less than 3,000 pounds; and (4) complies with certain safety standards. (NRS 484B.637) Section 3 of this bill creates an exception to the requirement of compliance with the safety standards for low speed vehicles for a vehicle that has been granted an exemption from one or more of those standards by the National Highway Traffic Safety Administration. Section 3 also defines "neighborhood occupantless vehicle" as a low-speed vehicle that is not designed, intended or marketed for human occupancy. ~~[Section 3 provides that an operator of such a vehicle who operates the]~~

~~Existing law authorizes the operation of a registered low-speed vehicle upon a highway where the posted speed limit is 35 miles per hour or less. (NRS 484B.637) In addition to such authority, section 3 authorizes the operation of the type of low-speed vehicle defined as a neighborhood occupantless vehicle, if registered, on a ~~[roadway with a]~~ highway where the posted speed limit ~~[of]~~ is greater than 35 miles per hour but not more than 45 miles per hour. ~~[is operating the vehicle in compliance with state law if the operator complies with certain restrictions on speed and equipment requirements for motor vehicles.]~~~~

Existing law provides for certain restrictions on speed on the driver of a motor vehicle. (NRS 484B.627, 484B.630) Sections 1 and 2 of this bill make conforming changes by revising such provisions to apply to an operator of a motor vehicle.

Existing law defines a fully autonomous vehicle as a motor vehicle that is equipped with an automated driving system which is designed to function at a certain level of driving automation. (NRS 482A.036) Section 4 of this bill makes certain provisions concerning required equipment for a motor vehicle inapplicable to certain fully autonomous vehicles that are exclusively operated by an automated driving system. Section 4 exempts a fully autonomous vehicle that is exclusively operated by an automated driving system from the requirement that it be equipped with: (1) a mirror so located as to reflect to the driver a view of the highway; (2) windshield wipers; and (3) equipment to light the road with multiple beams. Section 4 also exempts a fully autonomous vehicle that is operated exclusively by an automated driving system from the

requirement that it be equipped with a muffler unless the vehicle contains an internal combustion engine.

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

Section 1. NRS 484B.627 is hereby amended to read as follows:

484B.627 1. If any driver ~~[drives]~~ *or operator of* a motor vehicle *drives or operates a motor vehicle* at a speed so slow as to impede the forward movement of traffic proceeding immediately behind the driver ~~[]~~ *or operator*, the driver *or operator* shall:

(a) If the highway has one lane for traveling in each direction and the width of the paved portion permits, drive to the extreme right side of the highway and, if applicable, comply with the provisions of NRS 484B.630;

(b) If the highway has two or more clearly marked lanes for traffic traveling in the direction in which the driver *or operator* is traveling, drive in the extreme right-hand lane except when necessary to pass other slowly moving vehicles; or

(c) If the highway is a controlled-access highway, use alternate routes whenever possible.

2. A person shall not bring a vehicle to a complete stop upon a roadway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

Sec. 2. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver *or operator* of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver *or operator* is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. As used in this section, "slow-moving vehicle" means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.

Sec. 3. NRS 484B.637 is hereby amended to read as follows:

484B.637 1. As used in this section, "low-speed vehicle" means a motor vehicle:

(a) That is 4-wheeled;

(b) The speed of which that is attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface;

(c) The gross vehicle weight rating of which is less than 3,000 pounds; and

(d) That complies with the standards for safety of such a vehicle set forth in Federal Motor Safety Standard No. 500 at 49 C.F.R. § 571.500 ~~[-]~~, unless an exemption from one or more provisions of that Standard has been granted for the vehicle by the National Highway Traffic Safety Administration.

2. Except as otherwise provided in subsection 3:

(a) If registered, a low-speed vehicle may be operated upon a highway where the posted speed limit is 35 miles per hour or less.

(b) A person shall not operate a low-speed vehicle upon a highway where the posted speed limit is greater than 35 miles per hour, except to cross such a highway at an intersection.

3. ~~[Notwithstanding the provisions of subsection 2, an operator of If registered, a neighborhood occupantless vehicle ~~operating~~ may operate on a ~~roadway with a~~ highway where the posted speed limit ~~of~~ is greater than 35 miles per hour but not more than 45 miles per hour . ~~is operating in compliance with state law if the operator complies with the provisions of NRS 484B.627, 484B.630 and 484D.545.]~~~~

4. As used in this section, “neighborhood occupantless vehicle” means a low-speed vehicle that is not designed, intended or marketed for human occupancy.

Sec. 4. Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of subsection 3 of NRS 484D.210 and NRS 484D.430 and 484D.445 do not apply to a fully autonomous vehicle that is operated exclusively by an automated driving system.

2. The provisions of NRS 484D.415 do not apply to a fully autonomous vehicle that is operated exclusively by an automated driving system unless the fully autonomous vehicle is equipped with an internal combustion engine.

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment adopted. Amendment No. 559 makes two minor changes to Assembly Bill No. 412 in section 2, subsection 3. The amendment adds a reference to federal law exemptions and deletes unnecessary references to other sections of NRS.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 444.

Bill read second time.

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

Amendment No. 558.

SUMMARY—Revises provisions governing limousines. (BDR 58-1020)

AN ACT relating to limousines; authorizing a transportation network company to contract with a limousine motor carrier to provide limousine services through the use of the digital network or software application service

of the transportation network company; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a transportation network company to enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company. (NRS 706A.160) Section 5 of this bill authorizes a transportation network company to enter into a contract with certain limousine motor carriers who hold a certificate of public convenience and necessity to operate a limousine to allow drivers employed by the limousine motor carrier to receive connections to potential passengers from the transportation network company in exchange for the payment of a fee by the limousine motor carrier. Section 5 ~~authorizes a transportation network company to charge a fare on behalf of a limousine motor carrier for limousine services provided pursuant to such a contract and requires the method of calculating the fare and, if a passenger elects to receive it, an estimate of the fare to be disclosed by the transportation network company before the passenger enters the limousine of the limousine driver.~~ requires a limousine motor carrier that has entered into such a contract to notify the transportation network company of any change in the status of the certificate of public convenience and necessity of the limousine motor carrier. Section 5 applies certain excise taxes imposed on ~~common motor carriers of passengers~~ transportation network companies to limousine services provided pursuant to a contract with a transportation network company. Sections 2-4 of this bill define terms relating to limousines.

Section 7 of this bill amends the term "driver" as used in the provisions of NRS governing transportation network companies to exclude a limousine driver providing limousine services pursuant to a contract between a transportation network company and a limousine motor carrier.

Sections 8-10 of this bill make conforming changes to reflect that a limousine driver and limousine motor carrier that provide limousine services pursuant to a contract with a transportation network company remain subject to the provisions of NRS governing motor carriers.

Existing law requires a transportation network company to obtain certain information concerning a driver before allowing the driver to be connected to potential passengers. (NRS 706A.160) Section 11 of this bill exempts a limousine driver who is providing limousine services pursuant to an agreement with a limousine motor carrier from these requirements.

Section 11.5 of this bill authorizes a transportation network company to charge a fare on behalf of a limousine motor carrier for limousine services provided pursuant to a contract with the company and requires the method of calculating the fare and, if a passenger elects to receive it, an estimate of the fare to be disclosed by the transportation network company before the passenger enters the limousine of the limousine driver. Section 11.5 also prohibits a limousine driver when providing limousine services from soliciting or accepting cash as payment of the fare.

Section 12 of this bill requires a transportation network company to transmit to a passenger a photo of the limousine driver who will be providing limousine services and the license plate of the limousine before the passenger enters the limousine.

Section 13 of this bill requires a transportation network company to transmit an electronic receipt to a passenger who receives limousine services through the transportation network company.

Section 14 of this bill authorizes a transportation network company to transmit the name and telephone number of a passenger to a limousine driver for the purposes of correctly identifying and communicating with the passenger.

Section 14.5 of this bill prohibits a local governmental entity, with certain exceptions, from imposing any tax or fee on a limousine motor carrier that has entered into a contract with a transportation network company or imposing certain other requirements on a limousine driver when providing limousine services.

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

Section 1. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Limousine driver” means a person who has been issued a driver’s permit by the Authority pursuant to NRS 706.462 and is employed or under a contract to operate a limousine for a limousine motor carrier.*

Sec. 3. *“Limousine motor carrier” means a motor carrier who has obtained a certificate of public convenience and necessity to operate a limousine which does not limit the number of limousines that the motor carrier is authorized to operate.*

Sec. 4. *“Limousine services” means the transportation in a limousine by a limousine driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a limousine driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the limousine operated by the limousine driver.*

Sec. 5. 1. *A transportation network company may enter into a contract with a limousine motor carrier whereby limousine drivers employed by the limousine motor carrier may receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee by the limousine motor carrier to the transportation network company.*

2. *Notwithstanding any contract entered into pursuant to subsection 1, a limousine motor carrier shall not provide limousine services through a*

transportation network company unless the transportation network company holds a valid permit issued by the Authority pursuant to this chapter.

~~3. A transportation network company shall terminate a contract entered into pursuant to subsection 1 with a limousine motor carrier that ceases to hold a certificate of public convenience and necessity to operate a limousine which does not restrict the number of limousines that the limousine motor carrier is authorized to operate. A transportation network company shall not provide connections to potential passengers and related services pursuant to a contract entered into pursuant to subsection 1 to the limousine drivers of a limousine motor carrier during any period of time in which the certificate of public convenience and necessity of the limousine motor carrier has been suspended.~~

~~4. A limousine motor carrier which enters into a contract pursuant to subsection 1 remains :~~

~~(a) Remains subject to the provisions of chapter 706 of NRS ~~and~~ any regulations adopted pursuant thereto, including with respect to limousine services provided pursuant to a contract entered into pursuant to subsection 1.~~

~~5. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a limousine motor carrier with which the transportation network company has entered into a contract pursuant to subsection 1, charge a fare for limousine services provided to a passenger by a limousine driver employed by the limousine motor carrier.~~

~~6. If a fare is charged, the transportation network company must disclose the rates charged by the transportation network company and the method by which the amount of a fare is calculated.~~

~~(a) On an Internet website maintained by the transportation network company; or~~

~~(b) Within the digital network or software application service of the transportation network company.~~

~~7. If a fare is charged, the transportation network company must offer to each passenger the option to receive, before the passenger enters the limousine of a limousine driver, an estimate of the amount of the fare that will be charged to the passenger.~~

~~8. A transportation network company may accept payment of a fare only electronically. A transportation network company or a limousine driver shall not solicit or accept cash as payment of a fare for limousine services provided pursuant to a contract entered into pursuant to subsection 1.~~

~~9. (b) Shall notify the transportation network company of any change in the status of the certificate of public convenience and necessity of the limousine motor carrier within 24 hours after the limousine motor carrier receives notice of or becomes aware of such a change.~~

4. The fare charged for the transportation of a passenger by a limousine driver pursuant to a contract entered into pursuant to subsection 1 is subject to the excise tax imposed pursuant to NRS ~~372B.150~~ 372B.140 and exempt

~~from the excise tax imposed pursuant to NRS ~~372B.140~~. For each occasion where limousine services are provided by a limousine driver pursuant to a contract entered into pursuant to subsection 1, the transportation network company shall report to the limousine motor carrier any information necessary to calculate the amount of the excise tax due pursuant to ~~NRS~~ 372B.150.~~

Sec. 6. NRS 706A.020 is hereby amended to read as follows:

706A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 706A.030 to 706A.060, inclusive, *and sections 2, 3 and 4 of this act*, have the meanings ascribed to them in those sections.

Sec. 7. NRS 706A.040 is hereby amended to read as follows:

706A.040 “Driver” ~~means~~ :

1. *Means* a natural person who:

~~1-1~~ (a) Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

~~2-1~~ (b) Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

2. *Does not include* a limousine driver who provides limousine services under a contract entered into pursuant to section 5 of this act.

Sec. 8. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) Except as otherwise provided in NRS 706.88396 ~~and section 5 of this act~~, the provisions of chapter 706 of NRS,

↳ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 9. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. Except as otherwise provided

in NRS 706.88396 ~~and~~ *and section 5 of this act*, the Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 10. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Except as otherwise provided in NRS 706.88396 ~~and~~ *and section 5 of this act*, does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 11. NRS 706A.160 is hereby amended to read as follows:

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, *except for a contract entered into pursuant to section 5 of this act*, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A driver shall, not later than 6 months after a transportation network company allows the driver to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company and annually thereafter, on or before the anniversary date of that agreement, provide to the company verification that the driver holds a valid state business license pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the driver upon compliance with the provisions of chapter 76 of NRS.

5. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

(e) Fails to comply with the provisions of subsection 4.

Sec. 11.5. NRS 706A.170 is hereby amended to read as follows:

706A.170 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver ~~or~~ or a limousine motor carrier with which the company has entered into a contract pursuant to section 5 of this act, charge a fare for transportation services or limousine services provided to a passenger by the driver ~~or~~ or limousine driver.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver ~~or~~ or limousine of a limousine driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver or limousine

driver when providing limousine services shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services or a limousine driver who provides limousine services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 12. NRS 706A.200 is hereby amended to read as follows:

706A.200 For each instance in which a driver or limousine driver provides transportation services or limousine services to a passenger, the transportation network company which connected the passenger to the driver or limousine driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver ~~or~~ or limousine of a limousine driver, a photograph of the driver or limousine driver who will provide the transportation services or limousine services and the license plate number of the motor vehicle operated by the driver ~~or~~ or limousine operated by the limousine driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or
2. Within the digital network or software application service of the company.

Sec. 13. NRS 706A.210 is hereby amended to read as follows:

706A.210 A transportation network company which connected a passenger to a driver or limousine driver when providing limousine services shall, within a reasonable period following the provision of transportation services or limousine services by the driver or limousine driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services ~~or~~ or limousine services;
2. The total time for which transportation services or limousine services were provided;
3. The total distance traveled; and
4. An itemization of the fare, if any, charged for the transportation services ~~or~~ or limousine services.

Sec. 14. NRS 706A.250 is hereby amended to read as follows:

706A.250 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

- (a) The disclosure is otherwise required by law;
- (b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or
- (c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver *or limousine driver when providing limousine services* the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver *or limousine driver* and the passenger.

Sec. 14.5. NRS 706A.310 is hereby amended to read as follows:

706A.310 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver *or limousine ~~driver~~ motor carrier* who has entered into an agreement with such a company or a vehicle operated by such a driver *or by a limousine driver when providing limousine services* or for transportation services *or limousine services* provided by such a driver ~~or~~ *limousine driver*.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver *or limousine ~~driver~~ motor carrier* who has entered into an agreement with such a company *or a limousine driver when providing limousine services* to obtain from the local government any certificate, license or permit to provide transportation services ~~or~~ *limousine services*.

(c) Impose any other requirement upon a transportation network company or a driver *or limousine driver when providing limousine services* which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company ~~or~~ *driver for limousine driver* to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company ~~or~~ *a driver for a limousine driver* to:

- (1) Obtain a permit or certification to operate at the airport;
- (2) Pay a fee to operate at the airport; or
- (3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver ~~for limousine driver~~ from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver ~~and limousine driver~~ of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 15. 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. 16. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 558 makes six changes to Assembly Bill No. 444. It requires a limousine motor carrier with a Transportation Network Company (TNC) contract to notify the TNC within 24 hours of any change in the motor carrier's certificate of public convenience and necessity. It clarifies that when operating under a TNC contract, limousine motor carriers remain subject to regulations governing motor carriers. It makes the fare charged for limousine rides under a TNC contract subject to the excise tax applicable to TNCs and not the motor carrier excise tax. It clarifies which provisions are applicable to limousine drivers operating under a TNC contract, and it exempts limousine motor carriers or drivers operating under a TNC contract from certain taxes or fees imposed by local governments.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 1.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 592.

SUMMARY—Proposes to amend the Nevada Constitution to add and revise terms relating to persons with certain conditions for whose benefit certain public ~~institutions~~ entities are supported by the State. (BDR C-477)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to add and revise terms relating to persons with certain conditions for whose benefit certain public ~~institutions~~ entities are supported by the State.

Legislative Counsel's Digest:

Section 1 of Article 13 of the Nevada Constitution requires that institutions for the benefit of the insane, blind and deaf and dumb be fostered and supported by the State. This joint resolution proposes to amend the Nevada Constitution to replace the term "institutions" with "entities" and to revise the description of the persons who benefit from these ~~institutions~~ entities from: (1) "insane" to "persons with significant mental illness"; (2) "blind" to "persons who are blind or visually impaired"; and (3) "deaf and dumb" to "persons who are deaf or hard of hearing." This joint resolution also proposes to amend the Nevada Constitution to add ~~institutions~~ entities for the benefit of persons with intellectual or developmental disabilities to the types of ~~institutions~~ entities that shall be fostered and supported by the State.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 13 of the Nevada Constitution be amended to read as follows:

Section [] 1. ~~[Institutions]~~ *Entities* for the benefit of ~~[the Insane, Blind and Deaf and Dumb,]~~ *persons with significant mental illness, persons who are blind or visually impaired, persons who are deaf or hard of hearing and persons with intellectual disabilities or developmental disabilities,* and such other benevolent ~~[institutions]~~ *entities* as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 592 to Assembly Joint Resolution No. 1 replaces the term "institutions" found in Article 1, Section 13, of the *Nevada Constitution* with the term "entities." It was noted during testimony at the hearing that "entities" is broader and takes a milder and more current tone for purposed changes desired by this proposed constitutional amendment.

Amendment adopted.

Resolution read.

Remarks by Senator Ohrenschall.

Assembly Joint Resolution No. 1 is a proposed amendment to the *Nevada Constitution* that tries to modernize some of the terms found therein regarding persons with mental-health diagnoses.

Roll call on Assembly Joint Resolution No. 1:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 519.

SUMMARY—Revises provisions relating to health insurance. (BDR 57-251)

AN ACT relating to insurance; providing for the establishment of a public health benefit plan; prescribing certain goals and requirements relating to the plan; requiring certain health carriers to participate in a competitive bidding process to administer the plan; requiring certain providers of health care to participate in the plan; exempting rules and policies governing the plan from certain requirements; requiring the Executive Director of the Silver State

Health Insurance Exchange to apply for a federal waiver to allow certain policies to be offered on the Exchange; requiring certain persons to report the abuse and neglect of older persons, vulnerable persons and children; requiring the State Plan for Medicaid to include certain coverage relating to pregnant women; requiring the establishment of a statewide Medicaid managed care program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program, which is a joint program of the state and federal governments to provide health coverage to indigent persons. (NRS 422.270, 439B.120) Existing law also creates the Silver State Health Insurance Exchange to assist natural persons and small businesses in purchasing health coverage. (Chapter 695I of NRS) Section 10 of this bill requires the Director of the Department, in consultation with the Executive Director of the Exchange and the Commissioner of Insurance, to design, establish and operate a public health benefit plan known as the Public Option. Section 2 of this bill sets forth the purposes of the Public Option, and sections ~~3-9~~ 3.5-9 of this bill define terms relevant to the Public Option. Section 10 requires the Public Option to be available to all natural persons who reside in this State through the Exchange and for direct purchase and authorizes the Director to make the Public Option available to small employers in this State or their employees. Section 10 requires the Public Option to meet the requirements established by federal and state law for individual health insurance or health insurance for small employers where applicable. Section 10 also establishes requirements governing the levels of coverage provided by the Public Option and the premiums for the Public Option. Sections 38 and 41 of this bill remove the requirements relating to premiums on January 1, 2030. Section 11 of this bill requires the Director, the Commissioner and the Executive Director of the Exchange to apply for certain waivers to obtain federal financial support for the Public Option. Section 12 of this bill requires the Director to use a statewide competitive bidding process to solicit and enter into contracts with health carriers and other qualified persons to administer the Public Option. Section 12 requires a health carrier that provides health care services to recipients of Medicaid through managed care to participate in the competitive bidding process. Section 12 additionally authorizes the Director to directly administer the Public Option if necessary. Sections 13, 21 and 29 of this bill require providers of health care, including health care facilities, who participate in Medicaid or the Public Employees' Benefits Program or provide care to injured employees under the State's workers' compensation program to enroll in the Public Option as a participating provider of health care. Section 14 of this bill prescribes requirements governing the establishment of networks and the reimbursement of providers under the Public Option. Section 15 of this bill establishes the Public Option Trust Fund to hold certain funds for the purpose of implementing the Public Option. Section 20 of this bill exempts rules and

policies governing the Public Option from provisions governing notice-and-comment rulemaking. Sections 16, 19, 22, 32 and 34-37 of this bill make various changes so that the Public Option is treated similarly to comparable forms of public health insurance.

Section 16.5 of this bill requires the Executive Director of the Exchange to apply to the federal government for a waiver to authorize certain labor, agricultural and horticultural organizations to offer on the Exchange a policy of insurance to meet the unique needs of tradespersons that can serve as an alternative to the continuation of certain group health benefits. Section 16.5 requires such a policy to be annually certified by the Executive Director in order to be offered on the Exchange. Sections 16.3 and 16.8 of this bill make conforming changes to reflect the fact that a policy of insurance offered pursuant to section 16.5 may not meet all requirements: (1) for individual health insurance prescribed by state law; or (2) to be considered a qualified health plan under federal law. Section 39.5 of this bill requires the Executive Director to apply for the waiver and submit certain recommendations concerning such policies to the Legislature on or before January 1, 2025.

Sections 24-28 of this bill expand coverage under Medicaid in various manners. Specifically, section 24 of this bill requires the Director of the Department to expand coverage under the State Plan for Medicaid for pregnant women by: (1) providing coverage for pregnant women whose household income is between 165 percent and 200 percent of the federally designated level signifying poverty; (2) providing that pregnant women who are determined by certain entities to qualify for Medicaid are presumptively eligible for Medicaid for a prescribed period of time, without submitting an application for enrollment in Medicaid which includes additional proof of eligibility; and (3) prohibiting the imposition of a requirement that a pregnant woman who is otherwise eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid. Section 25 of this bill requires Medicaid to cover the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse. Section 26 of this bill requires Medicaid to cover certain costs for doula services provided to Medicaid recipients by a doula who has enrolled with the Division of Health Care Financing and Policy of the Department. Sections 17 and 33 of this bill require a registered doula to report the suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect of a child. Section 27 of this bill requires Medicaid to reimburse services provided to recipients of Medicaid who do not receive services through managed care by an advanced practice registered nurse to the same extent as if those services were provided by a physician. Section 28 of this bill requires Medicaid to cover breastfeeding supplies, certain prenatal screenings and tests and lactation consultation and support. Section 18 of this bill makes a conforming change to

indicate the proper placement of sections 24-28 in the Nevada Revised Statutes.

Existing law establishes certain requirements that apply if a Medicaid managed care program is established in this State. (NRS 422.273) Section 30 of this bill requires the Department to: (1) establish such a program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide such services. Section 30 requires the Medicaid managed care program to include a state-directed payment arrangement to require Medicaid managed care organizations to reimburse critical access hospitals and any affiliated federally-qualified health centers or rural health clinics for covered services at a rate that is equal to or greater than the rate those facilities receive for services provided to recipients of Medicaid on a fee-for-service basis. Section 31 of this bill makes a conforming change to reflect that the Department is required by section 30 to establish a Medicaid managed care program.

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to:*

1. *Leverage the combined purchasing power of the State to lower premiums and costs relating to health insurance for residents of this State;*
2. *Improve access to high-quality, affordable health care for residents of this State, including residents of this State who are employed by small businesses;*
3. *Reduce disparities in access to health care and health outcomes and increase access to health care for historically marginalized communities; and*
4. *Increase competition in the market for individual health insurance in this State to improve the availability of coverage for residents of rural areas of this State.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~44~~ 3.5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3.5. *“Certified community behavioral health clinic” means a community behavioral health clinic certified in accordance with section 223 of the Protecting Access to Medicare Act of 2014, Public Law No. 113-93.*

Sec. 4. *“Commissioner” means the Commissioner of Insurance.*

Sec. 5. *“Director” means the Director of the Department of Health and Human Services.*

Sec. 6. *“Exchange” means the Silver State Health Insurance Exchange.*

Sec. 6.5. *“Federally qualified health center” has the meaning ascribed to it in 42 C.F.R. § 405.2401.*

Sec. 7. "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 8. "Public Option" means the Public Option established pursuant to section 10 of this act.

Sec. 8.5. "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 9. "Trust Fund" means the Public Option Trust Fund created by section 15 of this act.

Sec. 10. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available to all natural persons who reside in this State as a policy of individual health insurance through the Exchange and for direct purchase. The provisions of chapter 689A of NRS and other applicable provisions of title 57 of NRS apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of title 57 of NRS apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of sections 2 to 15, inclusive, of this act, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. Except as otherwise provided in this section, the premiums for the Public Option:

(a) Must be at least 5 percent lower than the reference premium for that zip code; and

(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.

5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the ~~Public Option remains on target to reduce~~ average premiums for ~~health insurance in this State~~ the Public Option must decrease by at least 15 percent over the first ~~15~~ 4 years in which the Public Option is in operation.

6. As used in this section:

(a) "Gold plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

(b) “Health benefit plan” means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(c) “Medicare Economic Index” means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

(d) “Reference premium” means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

(e) “Silver plan” means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

(f) “Small employer” has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 11. 1. The Director, the Commissioner and the Executive Director of the Exchange:

(a) Shall collaborate to apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to obtain pass-through federal funding to carry out the provisions of sections 2 to 15, inclusive, of this act; and

(b) May collaboratively apply to the Secretary of Health and Human Services for any other federal waivers or approval necessary to carry out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation, and to the extent necessary, a waiver pursuant to 42 U.S.C. § 1315 of Title XIX of the Social Security Act. Such waivers or approval may include, without limitation, any waiver or approval necessary to:

(1) Combine risk pools for the Public Option with risk pools established for Medicaid, if the Director can demonstrate that doing so would lower costs, result in savings to the federal and state governments and not increase the costs of private insurance or Medicaid; or

(2) Obtain federal financial participation to subsidize the cost of health insurance for residents of this State with low incomes.

2. In preparing an application for any waiver described in subsection 1, the Director, the Commissioner and the Executive Director of the Exchange may contract with an independent actuary to assess the impact of the Public Option on the markets for health care and health insurance in this State and health coverage for natural persons, families and small businesses. The actuary must have specialized expertise or experience with state health insurance exchanges, the type of waiver for which the application is being made, measures to contain the costs of providing health coverage, reforming

procedures for the purchasing and delivery of government services and Medicaid managed care programs. A contract pursuant to this subsection is exempt from the provisions of chapter 333 of NRS.

3. The Director, the Commissioner and the Executive Director of the Exchange shall:

(a) Cooperate with the Federal Government in obtaining any waiver for which he or she applies pursuant to this section.

(b) Deposit any money received from the Federal Government pursuant to such a waiver in the Trust Fund.

4. The Director may:

(a) Accept gifts, grants and donations to carry out the provisions of sections 2 to 15, inclusive, of this act. The Director shall deposit any such gifts, grants or donations in the Trust Fund.

(b) Employ or enter into contracts with actuaries and other professionals and may enter into contracts with other state agencies, health carriers or other qualified persons and entities as are necessary to carry out the provisions of sections 2 to 15, inclusive, of this act. Such contracts are exempt from the requirements of chapter 333 of NRS.

Sec. 12. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall use a statewide competitive bidding process, including, without limitation, a request for proposals, to solicit and enter into contracts with health carriers or other qualified persons or entities to administer the Public Option. The competitive bidding process must coincide with the statewide procurement process for the Medicaid managed care program established pursuant to NRS 422.273.

2. Each health carrier that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program shall, as a condition of continued participation in the Medicaid managed care program established pursuant to NRS 422.273, submit a good faith proposal in response to a request for proposals issued pursuant to subsection 1.

3. Each proposal submitted pursuant to subsection 2 must demonstrate that the applicant is able to meet the requirements of section 10 of this act.

4. When selecting a health carrier or other qualified person or entity to administer the Public Option, the Director shall prioritize applicants whose proposals:

(a) Demonstrate alignment of networks of providers between the Public Option and the Medicaid managed care program established pursuant to NRS 422.273;

(b) Provide for the inclusion of critical access hospitals, rural health clinics, certified community behavioral health clinics and federally-qualified health centers in the networks of providers for the Public Option and Medicaid managed care program established pursuant to NRS 422.273;

(c) Include proposals for strengthening the workforce in this State and particularly in rural areas of this State for providers of primary care, mental health care and treatment for substance use disorders;

(d) Use payment models for providers included in the networks of providers for the Public Option that increase value for persons enrolled in the Public Option and the State; and

(e) Include proposals to contract with providers of health care in a manner that decreases disparities among different populations in this State with regard to access to health care and health outcomes and supports culturally competent care.

5. Notwithstanding the provisions of subsections 1 ~~f, 2 and 3,~~ to 4, inclusive, the Director may directly administer the Public Option if necessary to carry out the provisions of sections 2 to 15, inclusive, of this act.

~~5.~~ 6. The Director shall deposit into the Trust Fund any money received from:

(a) A health carrier or other person or entity with which the Director contracts to administer the Public Option pursuant to subsection 1 which relates to duties performed under the contract; or

(b) If the Director directly administers the Public Option pursuant to subsection ~~4,~~ 5, any money received from any person or entity in the course of administering the Public Option.

~~6.~~ 7. As used in this section ~~f, "health"~~ :

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.

Sec. 13. 1. Except as otherwise provided in subsection 2, each provider of health care who participates in the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043 or the Medicaid program, or who provides care to an injured employee pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, shall:

(a) Enroll as a participating provider in at least one network of providers established for the Public Option ; ~~as a participating provider;~~ and

(b) Accept new patients who are enrolled in the Public Option to the same extent as the provider or facility accepts new patients who are not enrolled in the Public Option.

2. The Director and the Executive Officer of the Public Employees' Benefits Program may waive the requirements of subsection 1 when necessary

to ensure that recipients of Medicaid and officers, employees and retirees of this State who receive benefits under the Public Employees' Benefits Program have sufficient access to covered services.

Sec. 14. 1. In establishing networks for the Public Option and reimbursing providers of health care that participate in the Public Option, the Director shall, to the extent practicable:

(a) Ensure that care for persons who were previously covered by Medicaid or the Children's Health Insurance Program and enroll in the Public Option is minimally disrupted;

(b) Encourage the use of payment models that increase value for persons enrolled in the Public Option and the State;

(c) Improve health outcomes for persons enrolled in the Public Option;

(d) Reward providers of health care and medical facilities for delivering high-quality services; and

(e) Lower the cost of care in both urban and rural areas of this State.

2. Except as otherwise provided ~~by this subsection,~~ in subsections 3 to 6, inclusive, reimbursement rates under the Public Option must be, in the aggregate, comparable to or better than reimbursement rates available under Medicare. For the purposes of this section, the aggregate reimbursement rate under Medicare ~~does~~ :

(a) Includes any add-on payments or other subsidies that a provider receives under Medicare; and

(b) Does not include payments under Medicare for a patient encounter or a cost-based payment rate under Medicare.

3. If a provider of health care currently receives reimbursement under Medicare at rates that are cost-based, the reimbursement rates for that provider of health care under the Public Option must be comparable to or better than the cost-based reimbursement rates provided for that provider of health care by Medicare.

4. The reimbursement rates for a federally-qualified health center or a rural health clinic under the Public Option must be comparable to or better than the reimbursement rates established for patient encounters under the applicable Prospective Payment System established for Medicare by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

5. The reimbursement rates for a certified community behavioral health clinic under the Public Option must be comparable to or better than the reimbursement rates established for community behavioral health clinics under the State Plan for Medicaid.

6. The requirements of ~~this subsection~~ subsections 2 to 5, inclusive, do not apply to a payment model described in paragraph (b) of subsection 1.

~~7.~~ 7. As used in this section, ~~f=~~

~~(a) "Federally-qualified health center" has the meaning ascribed to it in 42 C.F.R. § 405.2401.~~

~~(b)~~ “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.

~~(c) “Rural health clinic” has the meaning ascribed to it in 42 C.F.R. § 405.2401.~~

Sec. 15. 1. There is hereby created in the State Treasury the Public Option Trust Fund as a nonreverting trust fund. The Trust Fund must be administered by the State Treasurer.

2. The Trust Fund consists of:

(a) Any money deposited in the Trust Fund pursuant to sections 11 and 12 of this act;

(b) Any money appropriated by the Legislature for the purpose of carrying out the provisions of sections 2 to 15, inclusive, of this act; and

(c) All income and interest earned on the money in the Trust Fund.

3. Any interest earned on money in the Trust Fund, after deducting any applicable charges, must be credited to the Trust Fund. Money that remains in the Trust Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Trust Fund must be carried forward to the next fiscal year.

4. Except as otherwise provided in subsection 5, the money in the Trust Fund must be used to carry out the provisions of sections 2 to 15, inclusive, of this act. Such money must not be used to pay administrative costs that are not directly related to the operations of the Public Option.

5. If the State Treasurer determines that there is sufficient money in the Trust Fund to carry out the provisions of sections 2 to 15, inclusive, of this act, for the current fiscal year, the Director may use a portion determined by the State Treasurer of any additional money in the Trust Fund to increase the affordability of the Public Option.

Sec. 16. NRS 683A.176 is hereby amended to read as follows:

683A.176 “Third party” means:

1. An insurer, as that term is defined in NRS 679B.540;

2. A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides a pharmacy benefits plan;

3. A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~or~~

4. The Public Option established pursuant to section 10 of this act; or

5. Any other insurer or organization that provides health coverage or benefits or coverage of prescription drugs as part of workers’ compensation insurance in accordance with state or federal law.

➔ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 16.3. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to 689C.940, inclusive, relating to the program of reinsurance.

5. Any policy of insurance offered on the Silver State Health Insurance Exchange in accordance with section 16.5 of this act.

Sec. 16.5. Chapter 695I of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Executive Director, in collaboration with the Director of the Department of Health and Human Services, shall apply to the Secretary of Health and Human Services for a waiver pursuant to 42 U.S.C. § 18052 to authorize an organization described in section 501(c)(5) of the Internal Revenue Code that processes health claims in this State to offer on the Exchange a policy of insurance to meet the unique needs of tradespersons, including, without limitation, persons who work temporary or seasonal jobs, that is capable of serving as an alternative to the continuation of group health benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985.

2. The application for a waiver submitted pursuant to subsection 1 must include, without limitation, an application for a waiver of any provisions of federal law or regulations that would otherwise require a policy described in subsection 1 to meet the requirements of chapter 689A of NRS in order to be offered on the Exchange or for persons who purchase the plan on the Exchange to receive applicable federal subsidies.

3. To be offered on the Exchange, a policy of insurance described in subsection 1 must:

(a) Meet all requirements established by the Federal Act for a qualified health plan, to the extent that those requirements do not prevent an organization described in section 501(c)(5) of the Internal Revenue Code from offering such a policy; and

(b) Be certified by the Executive Director. Such certification must be renewed annually.

4. The Executive Director shall prescribe:

(a) Requirements for certification of a policy of insurance pursuant to paragraph (b) of subsection 3; and

(b) Criteria to determine when a person becomes eligible for a policy of insurance described in subsection 1. Those criteria must address:

(1) Persons who recently began employment but have not yet met the requirements concerning hours of work necessary to receive insurance through their employer; and

(2) Persons who have recently lost their jobs.

5. When performing the duties described in subsections 1 and 4, the Executive Director shall consult with organizations described in section 501(c)(5) of the Internal Revenue Code and other interested persons and entities concerning the requirements for certification of a policy of insurance described in subsection 1 and the criteria described in paragraph (b) of subsection 4.

Sec. 16.8. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

- (a) Create and administer a health insurance exchange;
- (b) Facilitate the purchase and sale of qualified health plans consistent with established patterns of care within the State;
- (c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) ~~Make~~ Except as otherwise authorized by a waiver obtained pursuant to section 16.5 of this act, make only qualified health plans available to qualified individuals and qualified small employers; ~~on or after January 1, 2014;~~ and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

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 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) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable 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, 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.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(o) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 26 of this act.

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 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 24 to 28, inclusive, of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan

biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 19. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program [] and the Public Option, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program [] and the Public Option, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program ~~and the Public Option~~, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program ~~and the Public Option~~, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for

which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

(c) "*Public Option*" means the *Public Option* established pursuant to section 10 of this act.

Sec. 20. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; ~~or~~

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive ~~or~~; *or*

(i) *The adoption, amendment or repeal of any rule or policy governing the Public Option established pursuant to the chapter created by sections 2 to 15, inclusive, of this act.*

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 21. NRS 287.0434 is hereby amended to read as follows:

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract are based on:

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.

(c) *For a contract with a physician, surgeon, hospital or rehabilitative facility, the physician, surgeon, hospital or rehabilitative facility has also complied with the requirements of section 13 of this act.*

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 22. NRS 333.705 is hereby amended to read as follows:

333.705 1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

- (a) The person is a current employee of an agency of this State;
- (b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or
- (c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

↪ unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

- (a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists; or
- (b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.

3. The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:

- (a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of NRS 333.700; and

(b) Must occur before the date on which the contract becomes binding on the using agency.

4. A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

5. Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

6. Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

7. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

8. A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than \$1,000,000; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of \$1,000,000 or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.063.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(4) Pursuant to the Public Option established pursuant to section 10 of this act.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

(e) The employment of a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees' Retirement System during the duration of the contract.

Sec. 23. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 28, inclusive, of this act.

Sec. 24. 1. *The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid authorization for:*

(a) *A pregnant woman whose household income is at or below 200 percent of the federally designated level signifying poverty to enroll in Medicaid.*

(b) *A pregnant woman who is determined by a qualified provider to be presumptively eligible for Medicaid to enroll in Medicaid until the last day of the month immediately following the month of enrollment without submitting an application for enrollment in Medicaid which includes additional proof of eligibility.*

2. *Unless otherwise required by federal law, the Director shall not include in the State Plan for Medicaid a requirement that a pregnant woman who is otherwise eligible for Medicaid must reside in the United States for a prescribed period of time before enrolling in Medicaid.*

3. *As used in this section, "qualified provider" has the meaning ascribed to it in 42 U.S.C. § 1396r-1(b)(2).*

Sec. 25. 1. *The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, pay the nonfederal share of expenditures incurred for the services of a community health worker who provides services under the supervision of a physician, physician assistant or advanced practice registered nurse.*

2. *As used in this section, "community health worker" has the meaning ascribed to it in NRS 449.0027.*

Sec. 26. 1. *The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for doula services provided by an enrolled doula.*

2. *The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.*

3. *A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:*

(a) *An application for enrollment in the form prescribed by the Division; and*

(b) *Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.*

4. *The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.*

5. *As used in this section:*

(a) *“Doula services” means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.*

(b) *“Enrolled doula” means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.*

Sec. 27. 1. *The Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State must provide reimbursement for the services of an advanced practice registered nurse, including, without limitation, a certified nurse-midwife, to the same extent as if the services were provided by a physician.*

2. *The provisions of subsection 1 do not apply to services provided to a recipient of Medicaid who receives health care services through the Medicaid managed care program established pursuant to NRS 422.273.*

3. *As used in this section, “certified nurse-midwife” means a person who is:*

(a) *Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and*

(b) *Licensed as an advanced practice registered nurse pursuant to NRS 632.237.*

Sec. 28. 1. *To the extent that money is available, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) *Supplies for breastfeeding a child until the child's first birthday. Such supplies include, without limitation, electric or hospital-grade breast pumps that:*

(1) *Have been prescribed or ordered by a qualified provider of health care; and*

(2) *Are medically necessary or are necessary for the mother of the child to return to work.*

(b) *Such prenatal screenings and tests as are recommended by the American College of Obstetricians and Gynecologists, or its successor organization.*

2. *The Director shall include in the State Plan for Medicaid a requirement that, to the extent that federal financial participation is available, the State must pay the nonfederal share of expenditures incurred for lactation consultation and support.*

3. *As used in this section:*

(a) *"Medically necessary" has the meaning ascribed to it in NRS 695G.055.*

(b) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 29. NRS 422.2372 is hereby amended to read as follows:

422.2372 The Administrator shall:

1. Supply the Director with material on which to base proposed legislation.

2. Cooperate with the Federal Government and state governments for the more effective attainment of the purposes of this chapter.

3. Coordinate the activities of the Division with other agencies, both public and private, with related or similar activities.

4. Keep a complete and accurate record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to the office of the Administrator.

5. Inform the public in regard to the activities and operation of the Division, and provide other information which will acquaint the public with the financing of Medicaid programs.

6. Conduct studies into the causes of the social problems with which the Division is concerned.

7. Invoke any legal, equitable or special procedures for the enforcement of orders issued by the Administrator or the enforcement of the provisions of this chapter.

8. *Exclude from participation in Medicaid any provider of health care that fails to comply with the requirements of section 13 of this act.*

9. Exercise any other powers that are necessary and proper for the standardization of state work, to expedite business and to promote the efficiency of the service provided by the Division.

Sec. 30. NRS 422.273 is hereby amended to read as follows:

422.273 1. *The Department shall:*

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For ~~any~~ the Medicaid managed care program established ~~in the State of Nevada,~~ pursuant to subsection 1, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; ~~and~~

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid ~~;~~ and

(d) Complied with the provisions of subsection 2 of section 12 of this act.

Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

~~2.~~ 3. During the development and implementation of ~~any~~ the Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

~~3.~~ 4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of ~~a~~ the Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

~~4.~~ 5. For the purpose of contracting with ~~a~~ the Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

~~5.~~ 6. The Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

~~{6-7}~~ 8. As used in this section, unless the context otherwise requires:

(a) *"Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).*

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

~~{(b)}~~ (c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

~~{(c)}~~ (d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) *"Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.*

Sec. 31. NRS 422.4053 is hereby amended to read as follows:

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children's Health Insurance Program who receive coverage through ~~{a}~~ the Medicaid managed care program ~~{-}~~ established pursuant to NRS 422.273.

3. A contract entered into pursuant to subsection 2 must:

(a) Include the provisions required by NRS 422.4056; and

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract.

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

Sec. 32. NRS 427A.605 is hereby amended to read as follows:

427A.605 1. The Director may establish a program to negotiate discounts and rebates for hearing devices and related costs, including, without limitation, ear molds, batteries and FM systems, for children in this State who are deaf or hard of hearing on behalf of entities described in subsection 2 who participate in the program.

2. The following persons and entities may participate in a program established pursuant to subsection 1:

(a) The Public Employees' Benefits Program;

(b) A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;

(c) An insurer that holds a certificate of authority to transact insurance in this State pursuant to chapter 680A of NRS;

(d) An employer or employee organization based in this State that provides health coverage to employees through a self-insurance reserve fund;

(e) A governmental agency or nonprofit organization that purchases hearing devices for children in this State who are deaf or hard of hearing;

(f) A resident of this State who does not have coverage for hearing devices;

~~and~~

(g) *The Public Option established pursuant to section 10 of this act; and*

(h) Any other person or entity that provides health coverage or otherwise purchases hearing devices for children in this State who are deaf or hard of hearing.

3. A person or entity described in subsection 2 may participate in any program established pursuant to subsection 1 by submitting an application to the Department in the form **SECOND PARALLEL SECTION** prescribed by the Department.

Sec. 33. 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) 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.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to section 26 of this act.

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. 34. NRS 439B.260 is hereby amended to read as follows:

439B.260 1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services provided to an inpatient who:

(a) Has no policy of health insurance or other contractual agreement with a third party that provides health coverage for the charge;

(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and

(c) Makes reasonable arrangements within 30 days after the date that notice was sent pursuant to subsection 2 to pay the hospital bill.

2. A major hospital shall include on or with the first statement of the hospital bill provided to the patient after his or her discharge a notice of the reduction or discount available pursuant to this section, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount.

3. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the Bureau for Hospital Patients for resolution as provided in NRS 232.462.

4. A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.

5. As used in this section, "third party" means:

- (a) An insurer, as that term is defined in NRS 679B.540;
- (b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;
- (c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~for~~
- (d) *The Public Option established pursuant to section 10 of this act; or*
- (e) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

➔ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 35. NRS 439B.665 is hereby amended to read as follows:

439B.665 1. On or before February 1 of each year, a nonprofit organization that advocates on behalf of patients or funds medical research in this State and has received a payment, donation, subsidy or anything else of value from a manufacturer, third party or pharmacy benefit manager or a trade or advocacy group for manufacturers, third parties or pharmacy benefit managers during the immediately preceding calendar year shall:

(a) Compile a report which includes:

(1) For each such contribution, the amount of the contribution and the manufacturer, third party or pharmacy benefit manager or group that provided the payment, donation, subsidy or other contribution; and

(2) The percentage of the total gross income of the organization during the immediately preceding calendar year attributable to payments, donations, subsidies or other contributions from each manufacturer, third party, pharmacy benefit manager or group; and

(b) Except as otherwise provided in this paragraph, post the report on an Internet website that is maintained by the nonprofit organization and accessible to the public. If the nonprofit organization does not maintain an Internet website that is accessible to the public, the nonprofit organization shall submit the report compiled pursuant to paragraph (a) to the Department.

2. As used in this section, "third party" means:

- (a) An insurer, as that term is defined in NRS 679B.540;
- (b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~or~~

(d) *The Public Option established pursuant to section 10 of this act; or*

(e) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

➔ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 36. NRS 439B.736 is hereby amended to read as follows:

439B.736 1. “Third party” includes, without limitation:

(a) The issuer of a health benefit plan, as defined in NRS 695G.019, which provides coverage for medically necessary emergency services;

(b) The Public Employees’ Benefits Program established pursuant to subsection 1 of NRS 287.043; ~~and~~

(c) *The Public Option established pursuant to section 10 of this act; and*

(d) Any other entity or organization that elects pursuant to NRS 439B.757 for the provisions of NRS 439B.700 to 439B.760, inclusive, to apply to the provision of medically necessary emergency services by out-of-network providers to covered persons.

2. The term does not include the State Plan for Medicaid, the Children’s Health Insurance Program or a health maintenance organization, as defined in NRS 695C.030, or managed care organization, as defined in NRS 695G.050, when providing health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department.

Sec. 37. NRS 449A.162 is hereby amended to read as follows:

449A.162 1. Except as otherwise provided in subsection 3, if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital and the hospital has a contractual agreement with the third party, the hospital:

(a) Shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449A.159.

(b) Shall not collect or attempt to collect from the patient or other responsible party more than the sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance.

(c) Shall not collect or attempt to collect that amount from:

(1) Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

(2) An insurer other than an insurer that provides coverage under a policy of health insurance or an insurer that provides coverage for medical payments under a policy of casualty insurance.

2. If the hospital collects or receives any payments from an insurer that provides coverage for medical payments under a policy of casualty insurance, the hospital shall, not later than 30 days after a determination is made concerning coverage, return to the patient any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance.

3. This section does not apply to:

(a) Amounts owed to the hospital which are not covered under the policy of health insurance; or

(b) Medicaid, Medicare, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

4. This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

5. As used in this section, "third party" means:

(a) An insurer, as defined in NRS 679B.540;

(b) A health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; ~~or~~

(d) *The Public Option established pursuant to section 10 of this act; or*

(e) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 38. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available to all natural persons who reside in this State as a policy of individual health insurance through the Exchange and for direct purchase. The provisions of chapter 689A of NRS and other applicable provisions of title 57 of NRS apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of title 57 of NRS apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of sections 2 to 15, inclusive, of this act, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. ~~Except as otherwise provided in this section, the premiums for the Public Option:~~

~~—(a) Must be at least 5 percent lower than the reference premium for that zip code; and~~

~~—(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.~~

~~5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must decrease by at least 15 percent over the first 4 years in which the Public Option is in operation.~~

~~6.] As used in this section:~~

(a) “Gold plan” means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

(b) “Health benefit plan” means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(c) “Medicare Economic Index” means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

(d) “Reference premium” means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

(e) “Silver plan” means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

(f) “Small employer” has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 39. 1. The Director of the Department of Health and Human Services, the Commissioner of Insurance and the Executive Director of the Silver State Health Insurance Exchange shall apply for the waiver described in paragraph (a) of subsection 1 of section 11 of this act not later than January 1, 2024; and

2. The Director of the Department of Health and Human Services shall make the Public Option available to natural persons who reside in this State in accordance with the provisions of section 10 of this act for the coverage year that begins on January 1, ~~2025~~, 2026.

Sec. 39.5. On or before January 1, 2025, the Executive Director of the Silver State Health Insurance Exchange, in collaboration with the Department of Health and Human Services, shall:

1. Apply for the waiver described in subsection 1 of section 16.5 of this act; and

2. Submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report of recommendations concerning any revisions to Nevada law necessary to:

(a) Authorize an organization described in section 501(c)(5) of the Internal Revenue Code to offer a policy of insurance described in subsection 1 of section 16.5 of this act for direct purchase outside the Exchange as a policy of individual health insurance;

(b) Align state law concerning individual health insurance with the requirements in the request for the waiver described in subsection 1 of section 16.5 of this act; and

(c) Ensure that any state subsidies available to reduce the cost of premiums for individual health insurance are available for a policy of insurance described in subsection 1 of section 16.5 of this act.

Sec. 40. 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. 41. 1. This section and sections 16.3, 16.5, 16.8, 39, 39.5 and 40 become effective upon passage and approval.

2. Sections 1 to ~~17~~, 16, inclusive, 17, 19 to 22, inclusive, and 29 to 37, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of procurement and any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) On January 1, ~~2025~~, 2026, for all other purposes.

3. Sections 18, 23 and 25 to 28, inclusive, of this act become effective on July 1, 2021.

4. Section 24 of this act becomes effective on July 1, 2022.

5. Section 38 of this act becomes effective on January 1, 2030.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 519 makes various changes to Senate Bill No. 420. It clarifies that average premiums for the Public Option, not all health insurance in Nevada, must decrease by at least 15 percent over the first 4 years in which the Public Option is in operation. It requires the Director

of DHHS, when selecting a health carrier or other qualified entity to administer the Public Option, to prioritize applicants whose proposals meet certain criteria. It clarifies that healthcare providers who participate in the Public Employees' Benefits Program, Medicaid, or the State's Workers' Compensation program must enroll as a participating provider in at least one network of providers established for the Public Option. It provides reimbursement rates for certified community behavioral health clinics under the Public Option must be comparable to or better than Medicaid reimbursement rates for such clinics. It requires the Executive Director of the Silver State Health Insurance Exchange, in collaboration with the Director of DHHS, to apply to the federal government for a waiver to authorize certain labor, agricultural and horticultural organizations to offer on the Exchange a policy of insurance that can serve as an alternative to the continuation of certain group-health benefits to meet the unique needs of tradespeople.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 420 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, May 18, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 3:39 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate