

THE ONE HUNDRED-NINTH DAY

CARSON CITY (Thursday), May 20, 2021

Senate called to order at 1:34 p.m.

President pro Tempore Denis presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend JJ Tuttle.

God our Shepherd, You have entrusted us with the responsibility to tend Your sheep, to feed them and watch over them. May we be worthy of this mantle of awesome responsibility and lean wholeheartedly into this task. May nothing we do be done simply out of obligation. Having received Your tender mercies in our own lives, may we be eager to serve You and those whom You have commended to our care. And if we lose sight of Your claim on our lives and waver in our duties, call us to examine the multitude of instances where You have showered Your grace upon us. How then can we help but be so transformed that we would want nothing else but to give of ourselves from the depths of our souls.

May we be examples of what it means to serve You. May we live lives of kindness and humility, not lifting ourselves up but waiting with patience for the moment when, in the fullness of time, You reveal the purpose for all of our efforts and energies, in Your gracious plan. In the meantime, we cast ourselves, our anxieties, our best intentions and our most fervent hopes on You and hope of Your steadfast love for us.

In the strength of Your 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 pro Tempore and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 45, 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*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 19, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 2, 12, 14, 15, 16, 18, 28; Assembly Bills Nos. 441, 471, 479, 481.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 37, 149, 459, 463.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 31, Amendment No. 534; Senate Bill No. 33, Amendment No. 545; Senate Bill No. 36, Amendment No. 578, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 518 to Assembly Bill No. 227.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Denis, Hammond, Brooks, Buck, Cannizzaro, Donate, Dondero Loop, Goicoechea, Hansen, Hardy, Harris, Kieckhefer, Lange, Neal, Ohrenschall, Pickard, Ratti, Scheible, Seevers Gansert, Settlemeyer, Spearman; Assemblymen Yeager, Anderson, Benitez-Thompson, Bilbray-Axelrod, Black, Brown-May, Carlton, Cohen, Considine, Dickman, Duran, Ellison, Flores, Frierson, González, Gorelow, Hafen, Hansen, Hardy, Jauregui, Kasama, Krasner, Leavitt, Martinez, Marzola, Matthews, McArthur, Brittney Miller, Cameron Miller, Monroe-Moreno, Nguyen, O'Neill, Orentlicher, Peters, Roberts, Summers-Armstrong, Thomas, Titus, Tolles, Torres, Watts and Wheeler:

Senate Concurrent Resolution No. 12—Celebrating the sister-state relationship between the State of Nevada and Taiwan, which continues to enhance trade, educational and cultural relations.

Senator Hammond moved to adopt the resolution.

Remarks by Senators Hammond, Lange and Denis.

SENATOR HAMMOND:

It is my privilege to speak on behalf of Senate Concurrent Resolution No. 12, which commemorates our State's longstanding sister-state relationship with Taiwan. This year, 2021, makes an incredible 36 years since our Legislature warmly invited Taiwan to become our sister state. Since then, we have worked together to build strong economic and cultural ties through trade, formal agreements, conferences and events. Additionally, this year marks the 42nd anniversary of the Taiwan Relations Act, also known as TRA, which was designed to maintain peace, security and stability in the western Pacific and promote the foreign policy of the United States by authorizing the continuation of commercial, cultural and other relations between the United States and Taiwan. Here in our great State of Nevada, we have fostered a strong and friendly relationship with the Taiwanese people, which has led to the advancement of freedom, opportunity and prosperity in the Indo-Pacific region and beyond. With Taiwan being the ninth largest trading partner of the United States and one of Nevada's largest trading partners, we have truly developed a unique relationship built on trust, cooperation and shared values of democratic principles, open and free markets and respect for the rule of law. It is important that we, as Nevadans, maintain a relationship with Taiwan by showing our continued support and admiration for the Taiwanese people by showcasing their gracious gifts we have received from them in our State Capital and supporting the commemoration of our strong ties through concurrent resolutions such as this one. I encourage each of you to join me in recognizing the remarkable relationship built between our great State of Nevada and Taiwan and hope we both continue to demonstrate respect, honor and growth to bring about a better tomorrow for each of our own citizens.

SENATOR LANGE:

When I was a member of the Democratic National Committee, I had the good fortune to be on a cultural visit to Taiwan. When we met with government officials, schoolteachers and other folks from the government, they said they consider the United States to be their top ally. We in Nevada are fortunate to be a partner with them. They are great people and want to keep this.

SENATOR DENIS:

When I think of Taiwan, it makes me think of my mother. When I was growing up, her best friend was a little Taiwanese lady who lived across the street. She had an accent that was hard to understand; my mom had her Cuban accent, but they could talk together and understand each other and became the best of friends. I see that same thing in the relationship we have with Taiwan. We may not speak the same language, but we have had a great relationship for the last 36 years. I appreciate this motion and Director General Scott Lai and Deputy Director Jessie Chin for giving

us this opportunity. I would also like to thank Taiwan for the PPE they provided to Nevada. We were grateful for that.

SENATOR HAMMOND:

When I visited Taiwan, if first impressions are important, there was nothing like walking through their airport and seeing nothing but orchids everywhere. The beauty of the place was the first thing I noticed. The relationships I have developed with those from Taiwan, especially Jessie Chin, have been important. I also look forward to working with Scott Lai in the future.

Resolution adopted.

Senator Hammond moved that all necessary rules be suspended and that the resolution be immediately transmitted to the Assembly.

Motion carried.

Resolution ordered transmitted to the Assembly.

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.

Senator Cannizzaro moved that Assembly Bill No. 211 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Ratti moved that Senate Bill No. 205 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Neal has approved the addition of Senator Donate as a sponsor of Senate Bill No. 340.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 1:48 p.m.

SENATE IN SESSION

At 1:54 p.m.

President pro Tempore Denis presiding.

Quorum present.

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 20, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 6—Memorializing former Assemblyman and Senator Alan H. Glover.

Alan Harney Glover was born in 1949 in Carson City, Nevada, to parents Nelson and Peggy Glover, who were both state officials in Nevada's Executive Branch of State Government; and

WHEREAS, After receiving his bachelor of science degree in public administration, with minors in history and literature, from the University of Nevada, Reno, Alan returned to Carson City where he was a private insurance agent early in his career; and

WHEREAS, At 23 years of age, Alan Glover was elected to the Nevada Assembly in 1972 where he represented Carson City and served with distinction for the next 10 years until his election to the Nevada Senate in November 1982; and

WHEREAS, In the midst of his legislative service, Alan married his wife of 38 years, Harle, eventually raising their three children, Kim, Jamie and Amanda in Carson City; and

WHEREAS, Assemblyman Glover served in the Assembly during an important period in history, marked by America's Bicentennial in 1976, the end to the war in Vietnam, greatly improved relations between the United States and China and Nevada's emergence as the fastest growing state in the nation; and

WHEREAS, As a member of the Assembly, Alan Glover's service included chairmanship of three standing committees: the Assembly Committee on Transportation in 1973 and 1975, the Assembly Committee on Legislative Functions in 1977 and the Assembly Committee on Elections in 1981, and service on interim study committees that were indicative of his knowledge and expertise in many diverse topics; and

WHEREAS, Following his service in the Assembly, Alan served 3 years in the Senate until his appointment as Carson City Recorder in 1985, which later became the elected office of Carson City Clerk-Recorder, where he would continue to serve until his retirement in December 2014, becoming the longest-serving Clerk in the city's history, and providing the people of Nevada and his community a total of 42 years of quality elective service; and

WHEREAS, Alan Glover was devoted to the Carson City community, becoming an active member of the Knights of Columbus and the Rotary Club and serving as Rotary President in 1997 and 1998; and

WHEREAS, Alan Glover was honored in November 2011 when the First Judicial District Court appointed him to serve as one of three Special Masters who prepared a nonpartisan plan of redistricting for the State, which he considered one of the accomplishments he was most proud of, a plan that remains in effect today; and

WHEREAS, In 2015, Alan Glover was added to the Assembly Wall of Distinction for his dedicated service to the Assembly and as a highly respected, elected public officer of this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 81st Session of the Nevada Legislature hereby extend their deepest condolences to Alan's beloved wife Harle, his daughters, Kim, Jamie and Amanda, and the many members of his extended family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Harle Glover, loving wife of Alan Glover; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Senator Kieckhefer moved the adoption of the resolution.

Remarks by Senators Kieckhefer, Ohrenschall, Settlemeyer, Dondero Loop and Denis.

SENATOR KIECKHEFER:

It is my honor to cosponsor Assembly Concurrent Resolution No. 6. Alan Glover played a significant role as I emerged into this role of elected office. I am not of or from Carson City, but I represent it in this Body and represented a piece of it when I first was elected. Alan was one of the first people to reach out to me when I started to run for office. What I saw was the kind of person I wanted to emulate in this Body; someone of integrity who was true to their word and one you relied on to solve problems. He was the kind of person we all want to represent us. That is who he was. When he moved into Carson City government, his reputation in this Body was one of the most highly respected elected officials in this State. When it came time to appoint the trio of special masters to draw the political boundaries in which we all currently reside, it was no surprise

Alan was chosen. He drew me a great district. I hope all of us can carry a bit of Alan Glover with us as we live our lives and execute our public duties. He was a tremendous example of how we should conduct ourselves in this Body.

SENATOR OHRENSCHALL:

I had the opportunity to get to know and work most closely with former Senator Alan Glover in the 2013 Legislative Session when I chaired the Assembly Elections Committee and he was the Carson City Clerk-Recorder. We worked on many voting and election issues. He was passionate about making good public policy. I also got to know his wife, Harle, when she served at the Nevada Legislature. She was a great person to work with as well. It was a special honor when Judge Russell appointed him as one of the special masters. The Assembly honored him and placed him on the Assembly Wall of Distinction. He was a tremendous resource. I was on a working group on elections when he was a special assistant to Secretary of State Cegavske. He showed incredible knowledge about Nevada law and policy. He wanted us to get it right regardless of which side we represented. I will miss him. We have lost him entirely too soon. I thought he would be around a lot longer to guide us. This loss saddens me. I support Assembly Concurrent Resolution No. 6.

SENATOR SETTELMEYER:

Thank you, Mrs. Glover, for sharing your husband with us. His laugh was always infectious to me. I had the pleasure of knowing him from his Clerk-Reporter days through his time on the master panel, and when he was with the Secretary of State. I always remember his laugh. He could make you smile no matter how cranky or grumpy you might be feeling. A couple of times we were in the middle of a minor legal discussion on redistricting, and he would giggle or say something and make me laugh. Thank you for sharing him with us. I have Mr. Kramer here with me today. He has the honor of knowing Mr. Glover since Alan was three years old, and he was four years old. They used to play around here in Carson City. There are some interesting stories; such as one time, he had his fraternity brothers come over when he was around 23 to help him run for his first office in Carson City. He was always a Carson person. The entire time I knew him, he was always about Carson City. Mr. Kramer shared with me that one of Alan's wishes was to be buried in Carson City, and he is because he was a Carson man. Again, thank you for sharing him with us.

SENATOR DONDERO LOOP:

My story is a bit different. It was my honor to have Harle work in my office as my attaché, and we shared many stories about our families. The one that sticks in my mind is we were talking about my oldest brother and Alan, and I said something about there not being a hospital in Carson City. Harle asked when he was born. When I shared the date, it was the same year but different months. She told me Alan had been born in the hospital when it was first built. That is my Carson City story. I appreciate the friendship and send my deepest condolences to you, Harle, and the family. We will miss you around here.

SENATOR DENIS:

We do miss you, Harle. I was serving in the Assembly the first time I met Alan. He had this way to make you feel like he had known you a long time, and you were best friends. I appreciated it because when you are new around here and trying to figure things out, it was great to meet him. He set such a good example for us, especially in public service. Thank you for sharing him with us. I am grateful for this resolution today to honor him.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 37.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 149.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 441.

Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 459.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 463.

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

Motion carried.

Assembly Bill No. 471.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 479.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 481.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that bill be referred to the Committee on Finance.

Motion carried.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:10 p.m.

SENATE IN SESSION

At 6:58 p.m.

President pro Tempore Denis presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 143, 251, 253, 254, 258, 261, 277, 278, 284, 286, 287, 290, 296, 298, 301, 302, 304, 307, 316, 318, 320, 325, 326, 327, 330, 333, 335, 336, 342, 343, 344, 345, 348, 356, 359, 360, 362, 366, 368, 374, 378, 385, 388, 390, 391, 394, 396, 397, 398, 399, 405, 409,

410, 412, 414, 419, 421, 430, 435, 436, 444, 452, 476, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 185.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 185 makes General Fund appropriations of \$250,000 in each fiscal year of the 2021-2023 Biennium to the Department of Veterans Services to provide financial assistance and support for the Adopt a Vet Dental program.

Roll call on Senate Bill No. 185:

YEAS—19.

NAYS—None.

EXCUSED—Hardy, Pickard—2.

Senate Bill No. 185 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 233.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 233 provides appropriations from the State General Fund of \$250,000 in Fiscal Year 2022 and \$250,000 to the Governor's Office of Finance in the Office of the Governor for allocation to the Nevada Health Service Corps for the purpose of obtaining matching federal money for purposes of funding certain medical and dental practitioners to practice in underserved areas of Nevada.

Roll call on Senate Bill No. 233:

YEAS—19.

NAYS—None.

EXCUSED—Hardy, Pickard—2.

Senate Bill No. 233 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 442 prohibits the Office of Energy in the Office of the Governor from changing the Green Building Rating System or accepting applications for partial abatements of property taxes for buildings meeting certain energy efficiency criteria. The bill eliminates the program to grant such partial abatements on July 1, 2035.

Roll call on Senate Bill No. 442:

YEAS—15.

NAYS—Buck, Hammond, Hansen, Settlemeyer—4.

EXCUSED—Hardy, Pickard—2.

Senate Bill No. 442 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449.

Bill read third time.

Remarks by Senator Donate.

Senate Bill No. 449 transfers the duty to develop and administer the Outdoor Education and Recreation Grant Program from the Administrator of the Division of State Parks to the Administrator of the Division of Outdoor Recreation. Both Divisions are within the State Department of Conservation and Natural Resources.

Roll call on Senate Bill No. 449:

YEAS—19.

NAYS—None.

EXCUSED—Hardy, Pickard—2.

Senate Bill No. 449 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 450.

Bill read third time.

Remarks by Senators Cannizzaro, Hansen, Goicoechea, Dondero Loop and Lange.

SENATOR CANNIZZARO:

Senate Bill No. 450 revises provisions relating to the financing of school facilities by authorizing the board of trustees of a school district to issue general obligation bonds for an additional period of ten years without any further approval of the voters.

SENATOR HANSEN:

I oppose Senate Bill No. 450. The bill deals with \$15 billion to \$20 billion in property tax revenues needed to pay off these bonds. The arrangement with the voters when these were put on the ballot was these would extend a 20-year maximum before they had a second opportunity to determine whether they wanted to extend them. To pass this as an emergency measure when we are dealing with classroom overcrowding, rundown schools and a lack of schools is not an emergency. To have this brought this late in the Session when it deals with that volume of dollars is disingenuous.

Another point brought up is that this is a jobs bill, which is true. If you spend \$15 billion, it will create jobs. It is also true if those funds remain in the private sector. No matter what you do with \$15 billion or \$20 billion, you are going create jobs. In the hearing yesterday, testimony was universally in favor of the bill, but these are the people who will benefit from the spending of this money. There was no one there representing the taxpayers who will be paying this over the next "x" number of years. I believe this Body should keep the commitment we made with the people who initially agreed to have these used and paid off through property taxes. The people who are actually going to pay the debt, not just those who benefit from how the money is spent, should be included in the equations. The right thing to do is what we first agreed to when we agreed on a maximum of 20-year windows before we extend these bonds. I am in favor of supporting children. There are powerful arguments in favor of doing this, but we have an obligation to allow the people paying the tax to have a say in whether they want to extend these bonds or not. Please keep in mind that this is a \$15 billion to \$20 billion tax package we are passing as an "emergency measure" when there is no emergency involved. I urge my colleagues to vote "no" on this bill so taxpayers can have the say on this we promised they would have.

SENATOR GOICOECHEA:

I oppose Senate Bill No. 450. My concern is that we rolled these bonds over in 2015, and this will be the second application of it. We will actually be running these out 30 or 40 years without the voters having a say. I am about voter approval as well as school funding and school construction. I would like the voters to have a say before we roll these over for the third time. I will be voting against this bill.

SENATOR DONDERO LOOP:

I support Senate Bill No. 450. I was at the hearing yesterday, and the emergency is there are schools that need to be built. The emergency is children need to be educated. The emergency is our future. We do have taxpayers involved. I am one of those taxpayers. Our PTA mothers and dads are taxpayers. Our builders are taxpayers. The parent groups are taxpayers. Everyone in this building is a taxpayer so we are all involved. It was a public hearing, and we had an overwhelming number of people who called in to support this bill throughout State, not just Clark County. I urge your support of Senate Bill No. 450. Our children are an emergency, and we need to educate them. An educated society is a safer and better society.

SENATOR LANGE:

I support Senate Bill No. 450. One school earmarked for replacement is a low-income school right over my wall. The school is falling apart, and we are sending our children to it. It is important our children be proud of where they go to school and want to go back. When school buildings are falling down, we are teaching them this is okay. It is important for children to have a place they are proud of and want to go back to. Many brown and black children attend the school near me. They celebrate their culture on site during various holidays, and this is important. I am a taxpayer and would do anything to help public education. These kids are our future. In business, we know if we work in a place that does not look as we think it should, we perform at that lower standard. Having a nice school for our kids will help in the end.

Roll call on Senate Bill No. 450:

YEAS—16.

NAYS—Goicoechea, Hansen, SeEVERS Gansert, Settlemeyer—4.

EXCUSED—Pickard.

Senate Bill No. 450 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42.

Bill read third time.

The following amendment was proposed by Senator Harris:

Amendment No. 714.

SUMMARY—Makes various changes relating to criminal law and criminal procedure. (BDR 14-371)

AN ACT relating to crimes; requiring certain batteries which constitute domestic violence to be charged with certain felonies and gross misdemeanors; expanding the courts that are required to conduct a jury trial under certain circumstances; revising various provisions relating to jury trials; authorizing the use of sound recording equipment under certain circumstances; making various changes regarding the jurisdiction of municipal courts; revising provisions governing the selection of jurors; establishing a right to a jury trial under certain circumstances; prohibiting a person convicted of a battery which constitutes domestic violence or the same or similar conduct in another jurisdiction from owning or having in his or her possession or under his or her

custody or control any firearm; revising the circumstances under which a prosecuting attorney is authorized to dismiss a charge of battery which constitutes domestic violence; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 1983, the Nevada Supreme Court held that NRS 175.011 does not establish a statutory right to a trial by jury upon demand in every case because: (1) the statute does not expressly state the Legislature's intent to grant a substantive right to trial by jury, but rather it is only intended to establish procedural requirements; and (2) there is no constitutional right to a jury trial for "petty" offenses. (*State v. Smith*, 99 Nev. 806, 808-810 (1983)). The United States Supreme Court later ruled that an offense with a maximum period of incarceration of 6 months or less is presumptively petty and to overcome that presumption a defendant must prove that any additional statutory penalties, together with the maximum period of incarceration, are so severe that they clearly reflect that the offense is serious and thus triggers a right to a jury trial pursuant to the Sixth Amendment to the United States Constitution and Section 3 of Article 1 of the Nevada Constitution. (*Blanton v. City of N. Las Vegas*, 489 U.S. 538, 543 (1989)) In 2019, the Nevada Supreme Court held that a battery which constitutes domestic violence that is punishable as a misdemeanor pursuant to NRS 200.485 is a serious offense, if it imposes a limitation on the possession of a firearm, thereby triggering a constitutional right to a jury trial. The Court reasoned that Legislature elevated the seriousness of the offense when it amended NRS 202.360 in 2015, thereby limiting a person's constitutional right to bear arms by prohibiting the possession or control of any firearm by a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). (*Andersen v. Eighth Jud. Dist. Ct.*, 135 Nev. 321, 323-324 (2019))

Under existing law, a person convicted of a battery which constitutes domestic violence for the first offense within 7 years is guilty of a misdemeanor and shall be punished by: (1) imprisonment in a city or county jail or detention center for not less than 2 days, but not more than 6 months; (2) community service; and (3) a fine of not less than \$200 but not more than \$1,000. (NRS 200.485) Section 12 of this bill establishes a statutory right to a jury trial for a person charged with a battery which constitutes domestic violence that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm. Section 12 also requires the provision of a jury trial regardless of whether the person has previously been prohibited from owning, possessing or having under his or her control or custody any firearm.

Existing law requires certain misdemeanors which would otherwise be under the jurisdiction of a municipal court to be charged in the same criminal complaint with related felonies and gross misdemeanors in the district court. (NRS 173.115) Section 1 of this bill additionally requires a battery which

constitutes domestic violence that is punishable as a misdemeanor to be charged in the same indictment or information in district court if the battery arises out of the same act as a felony or gross misdemeanor.

Existing law requires that certain cases in a district court must be tried by a jury unless the defendant waives such a trial in writing with the approval of the court and the consent of the State. (NRS 175.011) Section 2 of this bill: (1) expands the courts in which such cases must be tried by a jury, which would necessarily include a justice court and municipal court for certain cases required to be so tried by the United States Constitution, the Nevada Constitution or statute; and (2) accordingly revises the person to whom consent must be given.

Existing law requires the trial of a criminal action conducted in: (1) district court to be tried by a jury of 12 jurors unless before verdict the parties stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than 6; and (2) justice court to be tried by a jury of 6 jurors. (NRS 175.021) Section 3 of this bill requires that all criminal actions, whether in district court, justice court or municipal court, must be tried by a jury of 12 jurors unless before jury selection the parties stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than 6.

Existing law directs, in relation to the procedures for conducting jury trials, the State, as prosecutor, to perform certain duties. (NRS 175.051, 175.141) Sections 4 and 5 of this bill revise the persons required to perform such duties to include any prosecuting attorney, which may include the city attorney for jury trials conducted in a municipal court. Existing law also directs, in relation to the procedures for conducting jury trials, the sheriff of each county to perform certain duties. (NRS 6.090, 175.421) Sections 6 and 10 of this bill revise the persons required to perform such duties to include the chief of police or chief marshal, as applicable.

Existing law requires proceedings in justice court to be recorded by the use of sound recording equipment under certain circumstances. (NRS 4.390) Existing law also specifies that certain courts are courts of record, including the municipal courts in any case in which a jury trial is required or if designated as courts of record. (NRS 1.020) Section 7 of this bill authorizes a municipal court to record any proceeding before a jury by the use of sound recording equipment, if the municipal court has been designated as a court of record.

Existing law sets forth the powers and jurisdiction of municipal courts and limits such municipal courts in cities incorporated by general law to proceedings and trials that are summary and without a jury. (NRS 5.050, 266.550) Section 8 of this bill allows municipal courts to conduct jury trials: (1) for a matter within the jurisdiction of the court; and (2) where such a trial is required pursuant to the United States Constitution, the Nevada Constitution or statute. Section 14 of this bill allows for jury trials under such circumstances in municipal courts within cities incorporated by general law. Section 15 of this bill similarly allows for jury trials under such circumstances in municipal

courts within all incorporated cities, including those cities created pursuant to the enactment of a city charter.

Existing law authorizes a district court to assign a jury commissioner to select trial jurors. Existing law also requires a jury commissioner so assigned to select trial jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) Section 9 of this bill: (1) extends the courts authorized to assign a jury commissioner to include justice courts and municipal courts, which are located in a city whose population is 220,000 or more; and (2) allows a court to contract with another court for the services provided by a jury commissioner. Section 16 of this bill makes a conforming change related to the selection of jurors in a city.

Existing law sets forth certain fees for attendance and travel allowances for jurors summoned or serving on a jury in a district court or justice court. (NRS 6.150) Section 11 of this bill extends such fees and allowances for jurors summoned to or serving on a jury in a municipal court.

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace must summon a sufficient number of jurors to form a jury from the qualified electors of the county. In all other counties, a justice of the peace may summon jurors from the city, precinct or township. (NRS 67.010) Section 11.7 of this bill provides that in all counties, jurors must be summoned from the qualified electors of the county. Section 11.3 of this bill makes a conforming change to reflect the change made in section 11.7.

If a person is charged with committing a battery which constitutes domestic violence, existing law prohibits a prosecuting attorney from dismissing the charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge, or for any other reason, unless the charge is not supported by probable cause or cannot be proved at the time of trial. (NRS 200.485) Section 12 removes the prohibition, thereby authorizing a prosecuting attorney to dismiss a charge of battery which constitutes domestic violence under such circumstances.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm, including a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). A person who violates such a provision is guilty of a category B felony. (NRS 202.360) Section 13 of this bill revises the list of persons so prohibited to include a person who has been convicted of the crime of battery which constitutes domestic violence pursuant to NRS 200.485, or the same or substantially similar conduct in another jurisdiction, committed against or upon certain persons, instead of a person who has been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).

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

Section 1. NRS 173.115 is hereby amended to read as follows:

173.115 1. Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or gross misdemeanors or both, are:

(a) Based on the same act or transaction; or

(b) Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

2. Except as otherwise provided in subsection 3 ~~[-a]~~ :

(a) A misdemeanor which was committed within the boundaries of a city and which would otherwise be within the jurisdiction of the municipal court must be charged in the same criminal complaint as a felony or gross misdemeanor or both if the misdemeanor is based on the same act or transaction as the felony or gross misdemeanor. A charge of a misdemeanor which meets the requirements of this subsection and which is erroneously included in a criminal complaint that is filed in the municipal court shall be deemed to be void ab initio and must be stricken.

(b) A battery which constitutes domestic violence that is punishable as a misdemeanor pursuant to NRS 200.485 must be charged in the same indictment or information in district court as a felony or gross misdemeanor or both if the battery is based on the same act or transaction as the felony or gross misdemeanor.

3. The provisions of subsection 2 do not apply:

(a) To a misdemeanor based solely upon an alleged violation of a municipal ordinance.

(b) If an indictment is brought or an information is filed in the district court for a felony or gross misdemeanor or both after the convening of a grand jury.

Sec. 2. NRS 175.011 is hereby amended to read as follows:

175.011 1. ~~[In a district court, cases]~~ Cases required to be tried by jury must be so tried unless the defendant waives a jury trial in writing with the approval of the court and the consent of the ~~[State.]~~ prosecuting attorney. A defendant who pleads not guilty to the charge of a capital offense must be tried by jury.

2. ~~[It]~~ Except as otherwise provided in subsection 1, in a justice court, a case must be tried by jury only if the defendant so demands in writing not less than 30 days before trial. Except as otherwise provided in NRS 4.390 and 4.400, if a case is tried by jury, a reporter must be present who is a certified court reporter and shall report the trial.

Sec. 3. NRS 175.021 is hereby amended to read as follows:

175.021 1. Trial juries for criminal actions are formed in the same manner as trial juries in civil actions.

2. ~~[Except as provided in subsection 3, juries]~~ Juries must consist of 12 jurors, but at any time before ~~[verdict,]~~ jury selection, the parties may stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than six.

~~[3. Juries must consist of six jurors for the trial of a criminal action in a Justice Court.]~~

Sec. 4. NRS 175.051 is hereby amended to read as follows:

175.051 1. If the offense charged is punishable by death or by imprisonment for life, each side is entitled to eight peremptory challenges.

2. If the offense charged is punishable by imprisonment for any other term or by fine or by both fine and imprisonment, each side is entitled to four peremptory challenges.

3. The ~~{State}~~ *prosecuting attorney* and the defendant shall exercise their challenges alternately, in that order. Any challenge not exercised in its proper order is waived.

Sec. 5. NRS 175.141 is hereby amended to read as follows:

175.141 The jury having been impaneled and sworn, the trial shall proceed in the following order:

1. If the indictment or information be for a felony, the clerk must read it and state the plea of the defendant to the jury. In all other cases this formality may be dispensed with.

2. The ~~{district attorney, or other counsel for the State,}~~ *prosecuting attorney* must open the cause. The defendant or the defendant's counsel may then either make the defendant's opening statement or reserve it to be made immediately prior to the presentation of evidence in the defendant's behalf.

3. The ~~{State}~~ *prosecuting attorney* must then offer its evidence in support of the charge, and the defendant may then offer evidence in his or her defense.

4. The parties may then respectively offer rebutting testimony only, unless the court, for good reasons, in furtherance of justice, permits them to offer evidence upon their original cause.

5. When the evidence is concluded, unless the case is submitted to the jury on either side, or on both sides, without argument, the ~~{district attorney, or other counsel for the State,}~~ *prosecuting attorney* must open and must conclude the argument.

Sec. 6. NRS 175.421 is hereby amended to read as follows:

175.421 A room ~~{shall}~~ *must* be provided by the sheriff of each county, *chief of police of each city or chief marshal, as applicable*, for the use of the jury upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery, unless such necessities have been already furnished by the county ~~{}~~ *or city*. The court may order the sheriff, *chief of police or chief marshal* to do so, and the expenses incurred by the sheriff, *chief of police or chief marshal* in carrying the order into effect, when certified by the court, ~~{shall be}~~ *are* a county *or city* charge.

Sec. 7. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

If a municipal court has been designated as a court of record pursuant to NRS 5.010, any proceeding before a jury in the municipal court may be recorded by using sound recording equipment.

Sec. 8. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

- (a) For the violation of any ordinance of their respective cities.
- (b) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

- (a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.
- (b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.
- (c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.
- (d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.
- (e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.
- (f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. *The municipal courts may hold a jury trial for any matter:*

- (a) *Within the jurisdiction of the municipal court; and*
- (b) *Required by the United States Constitution, the Nevada Constitution or statute.*

Sec. 9. NRS 6.045 is hereby amended to read as follows:

6.045 1. ~~[The district]~~ A court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner and may assign to the jury commissioner such administrative

duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the ~~district~~ designated court and shall select that number from the qualified electors of ~~the~~ :

(a) The county ; or

(b) The city whose population is 220,000 or more, for a municipal court,

↪ not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.

3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:

(a) A list of persons who are registered to vote in the county;

(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;

(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265; and

(d) A public utility pursuant to NRS 704.206.

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county *or city* to do the required jury duty.

7. *A court may contract with another court for the purpose of procuring any administrative duties performed by a jury commissioner pursuant to this chapter.*

Sec. 10. NRS 6.090 is hereby amended to read as follows:

6.090 1. Whenever trial jurors are selected by a jury commissioner, the ~~district~~ judge may direct the jury commissioner to summon and assign to that

court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

2. Every person named in the venire must be served by the sheriff , *chief of police or chief marshal, as applicable*, personally or by the sheriff ~~for the~~ , *chief of police, chief marshal or jury commissioner* by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff ~~for the~~ , *chief of police, chief marshal or jury commissioner*, as the case may be, and allowed him or her as other claims against the county ~~or~~ *city*. The sheriff , *chief of police or chief marshal* shall make return of the venire at least the day before the day named for their appearance, after which the venire is subject to inspection by any officer or attorney of the court.

Sec. 11. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court , *or a trial juror in the municipal court*, is entitled to a fee of \$40 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court , *or trial juror in the municipal court*, actually sworn and serving is entitled to a fee of \$40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners *or governing body of a city* may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court , *or a trial juror in the municipal court*, and each grand juror and trial juror in the district court or justice court , *or trial juror in the municipal court*, is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the

prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by the clerk of the court to jurors for their services in a civil action or proceeding, which the clerk of the court has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 11.3. NRS 66.020 is hereby amended to read as follows:

66.020 1. The court may, at any time before the trial, on motion, change the place of trial in the following cases:

(a) When it appears to the satisfaction of the justice before whom the action is pending, by affidavit of either party, that the justice is a material witness for either party.

(b) When either party makes and files an affidavit that the party believes that he or she cannot have a fair and impartial trial before the justice by reason of the interest, prejudice or bias of the justice.

(c) When a jury has been demanded, and either party makes and files an affidavit that he or she cannot have a fair and impartial trial on account of the bias or prejudice against him or her of the citizens of {:

~~—(1) The city, precinct or township, if the jurors are to be summoned pursuant to subsection 1 of NRS 67.010; or~~

~~—(2) The} the county . {, if the jurors are to be summoned pursuant to subsection 2 of NRS 67.010.}~~

(d) When from any cause the justice is disqualified from acting.

(e) When the justice is sick or unable to act.

2. In lieu of changing the place of trial, the justice before whom the action is pending may for any of the cases mentioned in subsection 1 call another justice of the county to conduct the trial.

Sec. 11.7. NRS 67.010 is hereby amended to read as follows:

67.010 1. The jury must be summoned upon an order of the justice from ~~{, except as otherwise provided in subsection 2,}~~ the qualified electors ~~{,}~~ of the county, whether or not registered as voters, ~~{of the city, precinct or township,}~~ and not from the bystanders.

2. ~~{In a county whose population is 700,000 or more, the}~~ The justice may summon to the court ~~{, from the qualified electors of the county, whether or not registered as voters, and not from the bystanders,}~~ the number of qualified jurors which the justice determines is necessary for the formation of a jury.

Sec. 12. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

↪ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➔ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➔ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any

date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 ~~[, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a]~~ that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011, regardless of whether the person was previously prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360.

11. A court :

(a) *Except as otherwise provided in paragraph (b)*, shall not grant probation to or suspend the sentence of ~~[such]~~ a person ~~[. A court may]~~ described in subsection 10.

(b) May grant probation to or suspend the sentence of ~~[such]~~ a person ~~[. (a)]~~ described in subsection 10:

(1) As set forth in NRS 4.373 and 5.055; or

~~[(b)]~~ (2) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

~~[(1)]~~ 12. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~{12}~~ 13. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

~~{13}~~ 14. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 13. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted ~~[in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);]~~ of the crime of battery which constitutes domestic violence pursuant to NRS 200.485, or a law of any other jurisdiction that prohibits the same or substantially similar conduct, committed against or upon:

(1) The spouse or former spouse of the person;

(2) Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018;

(3) Any other person with whom the person has a child in common;

(4) The parent ~~for legal guardian]~~ of the person; or

(5) The child of the person or a child for whom the person is the legal guardian.

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection 7 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

↪ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

↪ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 14. NRS 266.550 is hereby amended to read as follows:

266.550 1. The municipal court shall have such powers and jurisdiction in the city as are now provided by law for justice courts, wherein any person or persons are charged with the breach or violation of the provisions of any ordinance of such city or of this chapter, of a police or municipal nature. ~~[The]~~ *Except as otherwise provided in subsection 5 of NRS 5.050, the trial and proceedings in such cases must be summary and without a jury.*

2. The powers of the municipal court include the power to charge and collect those fees authorized pursuant to NRS 5.073.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

The municipal court of an incorporated city may conduct a jury trial pursuant to subsection 5 of NRS 5.050.

Sec. 16. NRS 612.265 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(d) The Department of Taxation;

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

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

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

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

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

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

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and

contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

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

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

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

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

13. The Administrator, any employee or other person acting on behalf of the Administrator, or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has

obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

- (a) Uses or permits the use of the list for any political purpose;
- (b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or
- (c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

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

Sec. 17. The amendatory provisions of this act apply to any offense:

1. Committed on or after January 1, 2022; or
2. Committed before January 1, 2022, if the underlying judicial proceedings are pending or otherwise unresolved on January 1, 2022.

Sec. 18. This act becomes effective on January 1, 2022.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 714 to Assembly Bill No. 42 removes the word "guardian" from the list of persons who would have prohibited guns.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 42 establishes a statutory right to a jury trial for a person charged with a battery, which constitutes domestic violence that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm. A previous prohibition regarding a firearm does not preclude a person from the right to a jury trial for a new domestic-violence charge. The bill removes provisions that prohibit a prosecuting attorney from dismissing a charge of battery, which constitutes domestic violence if the defendant makes certain pleas. The courts in which a jury must try such cases are expanded to include a justice court and municipal court. All criminal actions, whether in district court, justice court or municipal court must be tried by a jury of 12 jurors unless before jury selection the parties stipulate in writing with the approval of the court that the jury consist of any number less than 12 but not less than 6. The bill also revises various provisions relating to jury trials, including the selection of jurors, the use of sound recording equipment in certain courts and the summoning of jurors from the qualified electors of the county.

Roll call on Assembly Bill No. 42:

YEAS—19.

NAYS—Hansen.

EXCUSED—Pickard.

Assembly Bill No. 42 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 87 authorizes the governing body of a city or county to establish, by ordinance, a simplified procedure for the vacation or abandonment of an easement without conducting a hearing on the vacation or abandonment. This bill also provides that, unless the vacation or abandonment of the easement is for a public utility owned or controlled by the governing body, the simplified procedure must include certain provisions and must not apply to the vacation or abandonment of any street, drainage easement, sidewalk or other pedestrian right of way.

Roll call on Assembly Bill No. 87:

YEAS—16.

NAYS—Buck, Hansen, Neal, Ohrenschall—4.

EXCUSED—Pickard.

Assembly Bill No. 87 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 88.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 88 requires the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for the profoundly gifted to change and adopt policies prohibiting the use of any name, logo, mascot, song or other identifier that is racially discriminatory or contains racially discriminatory language or imagery. However, an identifier associated with a federally recognized Indian tribe may be used if the school obtains permission for such use from the tribe.

Assembly Bill No. 88 also requires the Nevada State Board on Geographic Names to recommend changing the name of any geographic feature or place in the State that is racially discriminatory or that contains racially discriminatory language or imagery. The Board must submit a report to the Legislature on any such recommended changes.

Finally, Assembly Bill No. 88 prohibits a county, city or incorporated place in this State from sounding a siren, bell or alarm at a time during which the siren, bell or alarm was previously sounded in association with an ordinance, which required persons of a particular race, ethnicity, ancestry, national origin or color to leave by a certain time.

I was proud of my alma mater, UNLV, for making the hard but correct decision to retire "Heh Reb!" I urge my colleagues to support this bill.

Roll call on Assembly Bill No. 88:

YEAS—12.

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

EXCUSED—Pickard.

Assembly Bill No. 88 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 89 authorizes the Board of Wildlife Commissioners to adopt regulations establishing a program that allows a person to transfer his or her big-game tag to a qualified organization for use by a person who is 16 years of age or younger and who is otherwise eligible

to hunt or who has a disability or life-threatening medical condition. This bill also authorizes the Commission to establish, by regulation, a process by which a family member of a deceased big-game hunter may transfer the tag of the deceased big-game hunter to another person.

Roll call on Assembly Bill No. 89:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 89 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 91 requires that at least one of the members of the State Board of Nursing must be a licensed, advanced-practice registered nurse. The member representing the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care must be a licensed registered nurse. The measure also removes the limitation on the number of consecutive terms a member of the Board may serve.

Roll call on Assembly Bill No. 91:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 91 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 95 adds one member to the Legislative Committee on Public Lands to represent tribal governments. This member is to be appointed by the Legislative Commission upon the recommendation of the Inter-Tribal Council of Nevada, Inc.

Roll call on Assembly Bill No. 95:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 95 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 97 requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to form a working group to study environmental contamination resulting from certain toxic substances. The bill prohibits, with certain exceptions, the discharge, use or release of Class B firefighting foam that intentionally

contains those substances. It requires the notification of the Division if such actions are taken, and it provides that a violation of this prohibition is a misdemeanor.

The bill also prohibits, with certain exceptions, the manufacture and sale of children's products, furniture, mattresses and other textile products that contain certain amounts of certain flame retardant chemicals. Additionally, the bill prohibits, with certain exceptions, a manufacturer from replacing such a flame-retardant chemical with any other chemical that is known or suspected of a high degree of probability to have harmful effects on humans.

Roll call on Assembly Bill No. 97:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 97 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 100.

Bill read third time.

Remarks by Senators Ohrenschall and Hansen.

SENATOR OHRENSCHALL:

Assembly Bill No. 100 authorizes the State Forester Firewarden to enter into a cooperative agreement with federal, State and local agencies for creating a fire board of directors to ensure that agencies in this State work collaboratively on fire suppression activities.

The bill also creates the Wildland Fire Protection Program in the Division of Forestry of the State Department of Conservation and Natural Resources and authorizes the State Forester Firewarden to enter into cooperative agreements with fire-protection districts and boards of county commissioners to participate in the Wildland Fire Protection Program.

Finally, the bill authorizes the Commissioner of Insurance to create a program for insurers to provide incentives to promote and encourage property owners to take measures to mitigate the risk of property loss or damage caused by wildfire.

SENATOR HANSEN:

I support Assembly Bill No. 100. We have several bills dealing with fires, but people seem to be ignoring the real cause of fires, which is the constant build-up of fuel. If we want to see a reduction in fires, we need to do something about that.

One of the biggest fires in Nevada occurred in my district. It was the Martin fire, and it burned almost 500,000 acres. Since 1999, I have seen other fires across Nevada and without exception, grasses that could have been grazed or harvested fueled those fires. On "C" Hill, to the west of this building, the City of Carson City pays to have a sheepherder come in once a year and graze down the cheat grass fuel.

Sometimes, we overlook the common-sense things we can do to help reduce fires in Nevada. The Body should encourage the Bureau of Land Management and the Forest Service to expand the amount of livestock grazing we have in Nevada. For almost half a century, they have been scaling this back. The consequences are massive fuel buildup and giant fires that are preventable with common-sense management and fuel reductions.

I urge the Body to support this bill but to keep in the back of their minds that the bigger problem in Nevada is not a lack of bureaucracy; it is a buildup of fuels. These fuels could be harvested and benefit our agricultural communities in the process.

Roll call on Assembly Bill No. 100:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 100 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 101.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 101 authorizes a licensed veterinarian to administer an animal products containing hemp or CBD. The veterinarian may also recommend to the owner of an animal the use of such products to treat a condition of the animal. The Nevada State Board of Veterinary Medical Examiners is prohibited from taking disciplinary action against a veterinarian or the facility in which the veterinarian engages in the practice of veterinary medicine for administering or recommending the use of such products.

Roll call on Assembly Bill No. 101:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 101 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 102.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 102 eliminates the requirement that the permanent service-connected disability rating of a resident of this State be 10 percent or more before he or she may be issued a free annual permit for entering, camping and boating in all State parks and recreational areas. However, the Division of State Parks of the State Department of Conservation and Natural Resources is still required to impose an administrative fee to cover the costs of issuing the permit.

Roll call on Assembly Bill No. 102:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 102 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 103 revises provisions relating to permits to excavate on private lands known to contain prehistoric Indian burial sites. Specifically, this bill provides that such a permit is not required to engage in certain lawful activities on such private lands if those activities are exclusively for purposes other than the excavation of a prehistoric Indian burial site and occur only on a portion of the private land that does not contain the known prehistoric Indian burial site.

Roll call on Assembly Bill No. 103:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 103 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 104.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 104 revises provisions related to persons who have received compensation for a wrongful conviction. The period used to calculate an award of monetary compensation is each year the person was imprisoned for his or her wrongful conviction. The bill establishes limitations on the dollar amount of awards for items such as payment for counseling, health care, housing and tuition.

A person who receives compensation resulting from his or her action against the State for a wrongful conviction and who obtains a subsequent civil settlement or award for the wrongful conviction is required to reimburse the State for the amount previously obtained. They must notify the State Board of Examiners of the subsequent award of damages or settlement no later than four months after the date of the award. Additionally, the person is required to reimburse the State no later than six months after the date of the subsequent award or settlement. If the person does not notify the State of the award, the court may terminate any future payments. Lastly, payment does not become effective without the prior approval of the State Board of Examiners.

Roll call on Assembly Bill No. 104:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 104 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 105.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 105 requires that any board formed to govern the Nevada Interscholastic Activities Association include three members who are parents or guardians of pupils participating in sanctioned sports. The bill also requires that any advisory board to a governing board include three members who are pupils participating in sanctioned sports. The bill further provides certain conditions, membership terms and residency restrictions that parent or guardian board members and pupil advisory board members must meet.

Roll call on Assembly Bill No. 105:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 105 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 107.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 107 revises the procedure for determining whether a person may prosecute or defend a civil action without paying costs. The person must file an application, which must include an unsworn declaration, to proceed as an indigent litigant or submit to the court a statement of legal representation or otherwise indicate to the court that he or she is a client of a program for legal aid. Based on the review of the person's application, the court may allow the person to commence or defend an action without costs and file or issue any necessary writ, process, pleading or paper without charge. Lastly, criterion are established for the court to use in determining whether to grant such an application.

Roll call on Assembly Bill No. 107:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 107 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 109.

Bill read third time.

Remarks by Senators Lange and Buck.

SENATOR LANGE:

Assembly Bill No. 109 requires that at least 80 percent of all teachers who provide instruction at a charter school hold a license or endorsement to teach in Nevada. Additionally, any teacher providing instruction in core academic subjects, English as a second language or special education must be licensed to teach in Nevada. Nonlicensed instructors must meet certain requirements for authorization to provide instruction. The bill provides that a teacher employed at a charter school on or before July 1, 2021, who does not have a license to teach may continue teaching at the charter school without a license until July 1, 2026.

SENATOR BUCK:

I oppose Assembly Bill No. 109. We are facing a teacher shortage in Nevada and the Nation in the thousands, yet there continues to be an attack on charter schools, innovation, autonomy and professional talent by statute. State public-charter-school authority-sponsored charter schools do what is best for students or fiscal or academic metrics close their doors. With no Senate Bill No. 450 bond dollars giving them free, taxpayer facility funding, charter schools get zero dollars for facilities. Facility funding must come out, and they must pay the lease for the bonds with their Distributive School Account dollars, the same dollars districts get per student. With charter schools outperforming districts across the State, I ask this Body to stop chipping away at charter schools and emulate their success, especially in our high-need, most disadvantaged and underserved communities.

Roll call on Assembly Bill No. 109:

YEAS—12.

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

EXCUSED—Pickard.

Assembly Bill No. 109 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111.

Bill read third time.

Remarks by Senators Neal and Settelmeyer.

SENATOR NEAL:

Assembly Bill No. 111 adds two members to the Peace Officers' Standards and Training (POST) Commission. It requires the Majority Leader of the Senate and the Speaker of the Assembly to each appoint one member who is not a peace officer and has demonstrated experience in one or more of the following areas: implicit and explicit bias; cultural competency; mental health as it relates to policing and law enforcement, and experience working with vulnerable populations. The bill requires the Governor, the Majority Leader of the Senate and the Speaker of the Assembly to consider the racial, gender and ethnic diversity of the Commission when making their appointments.

SENATOR SETTELMEYER:

I just returned from the POST graduation ceremony held this time in Douglas County rather than, here, at the Stewart Indian Colony. The cross section of graduates included men and women of all races from across the State of Nevada and was fascinating to see. They do a wonderful job at POST.

I do not object to what Assembly Bill No. 111 seeks to accomplish; I object to the Majority Leader and the Speaker making the appointment. We could have made the appointment through the Legislative Operations and Elections Committee where the Minority Party could consult and have input. This, however, is not the case; it is only the Majority Leader and the Speaker making this appointment. The lack of bipartisanship leads me to vote "no" on Assembly Bill No. 111.

Roll call on Assembly Bill No. 111:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, SeEVERS Gansert, Settelmeyer—8.

EXCUSED—Pickard.

Assembly Bill No. 111 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 112.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 112 provides that a parent or guardian is not required to establish a blocked financial investment involving a compromised claim of a minor if the net proceeds of the compromise are \$2,500 or less. The parent or guardian may also use the proceeds at his or her discretion for the benefit of the minor in compliance with any terms or conditions ordered by the court. The bill also revises the definition of a "blocked financial investment" to include a savings account in any financial institution in this State.

Roll call on Assembly Bill No. 112:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 112 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 113.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 113 provides that sex trafficking must be found, or information or complaint filed, within six years after the commission of the offense. The amendatory provisions of this bill apply to a person who committed sex trafficking before July 1, 2021, if the applicable statute of limitations has commenced but has not yet expired on July 1, 2021, or who commits sex trafficking on or after July 1, 2021.

Roll call on Assembly Bill No. 113:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 113 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 115.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 115 authorizes one or more adults to petition a court for the adoption of a child. The court must consider each prospective adopting adult and legal parent seeking to retain his or her parental rights as a joint petitioner. The court may waive the hearing on a petition under certain circumstances and determine that a child has a legal relationship with more than two persons. Any parent who has signed a relinquishment of his or her rights shall not exercise or have any rights over the adopted child or the child's property. Lastly, the petition must state that there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

Roll call on Assembly Bill No. 115:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Settelmeyer—6.

EXCUSED—Pickard.

Assembly Bill No. 115 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 130.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 130 requires an insurance company to offer a policy that covers motorcycles the same optional coverage for the payment of reasonable and necessary medical expenses resulting from a crash that is currently only available in a policy that covers other motor vehicles. The measure requires an insurance company transacting motor-vehicle insurance in Nevada to offer uninsured and underinsured 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 motorcycle. The measure clarifies the provisions of policies that allow for a premium reduction if the vehicle is equipped with or contains certain safety devices do not apply to motorcycles.

Roll call on Assembly Bill No. 130:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 130 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 132 requires a peace officer or probation officer who takes a child into custody to make certain disclosures to the child in accessible language concerning his or her rights before initiating a custodial interrogation.

Roll call on Assembly Bill No. 132:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 132 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 136.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 136 revises provisions of the Revised Uniform Athlete Agents Act of 2015. It prohibits an agent from providing anything of value that might affect the athlete's eligibility to participate in their chosen sport unless the agent notifies the student's educational institution within 72 hours of doing so. The student athlete or a minor student's parent must acknowledge on record that this action could result in the athlete's loss of eligibility. Additionally, this bill prohibits an agent from encouraging other individuals to act on the agent's behalf to engage in such prohibited actions.

Roll call on Assembly Bill No. 136:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 136 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 139 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 140.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 140 revises provisions governing service of process in certain actions or proceedings involving short-term lessors of vehicles. The bill requires a short-term lessor to accept service of a summons and complaint and any required documents on behalf of a short-term lessee who is not a resident of the United States and who purchased liability insurance for any crash resulting from the operation of the vehicle within this State during the lease. The lessor of the vehicle is required to provide a copy of such documents to the lessee by first-class mail, return receipt requested.

Roll call on Assembly Bill No. 140:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 140 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 141.

Bill read third time.

Remarks by Senators Cannizzaro and Settelmeyer.**SENATOR CANNIZZARO:**

Assembly Bill No. 141 requires a court to seal any records relating to any action for summary eviction granted during the COVID-19 emergency. These provisions apply to any action for summary eviction filed before, on or after the effective date of this bill.

SENATOR SETTELMEYER:

When we discussed Assembly Bill No. 141, no doubt many people were unable to pay rent. During this time, we have no widespread program to help individuals pay their mortgage, which affects their credit ratings. We asked for a timeframe in this so at some point the emergency, at least under this portion, ends. Potential federal benefits could leave the emergency in place longer than others would like in order to gain those funds. We ask this has a six-month or year limit or, perhaps, kick it to the Legislative Operations and Elections Committee to re-evaluate and ensure we are truly under an emergency rather than continuing on for other reasons. This bill has no sunset to the emergency. I oppose Assembly Bill No. 141.

Roll call on Assembly Bill No. 141:

YEAS—12.

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

EXCUSED—Pickard.

Assembly Bill No. 141 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 145.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 145 establishes procedures for the recognition and enforcement of Canadian money judgments in Nevada by adopting the Uniform Registration of Canadian Money Judgments Act. The bill provides that recognition of a Canadian judgment only applies to final and enforceable judgments to recover money. This bill authorizes enforcement of the judgment in the same manner and extent as a judgment rendered in Nevada.

Roll call on Assembly Bill No. 145:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 145 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 146.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 146 authorizes the State Department of Conservation and Natural Resources to develop plans, recommendations and policies to address water pollution resulting from diffuse sources. The bill requires the Director of the Department to consult or notify Indian tribes when working to control water pollution. The bill revises requirements for regulations adopted by the State Environmental Commission relating to water pollution and other requirements relating to the control of diffuse sources of water pollution. Finally, the bill updates the legislative declaration concerning the adverse effects of water pollution to include a statement that the people of this State have a right to clean water and that it is the policy of Nevada to mitigate any degradation of the waters of this State.

Roll call on Assembly Bill No. 146:

YEAS—14.

NAYS—Buck, Hammond, Hansen, Hardy, Kieckhefer, Settlemeyer—6.

EXCUSED—Pickard.

Assembly Bill No. 146 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 148.

Bill read third time.

Remarks by Senators Donate and Hansen.

SENATOR DONATE:

Assembly Bill No. 148 requires an applicant for an exploration or mining permit that is a corporation or business entity to submit an affidavit that states whether the applicant is in good standing with all agencies in relation to the reclamation of exploration projects or mining operations, along with the name and address of each person who has a controlling interest in the corporation or business entity.

The bill prohibits the issuance of such a permit if the applicant is not in good standing with such an agency in relation to the reclamation of an exploration project or mining operation. The bill authorizes, however, the issuance of such a permit if the applicant pays the full amount of the defaulted obligation and demonstrates that the conditions that led to the default no longer exist and are remedied.

SENATOR HANSEN:

I oppose Assembly Bill No. 148. During the hearing on the bill, the only cases brought were decades old. The current law under which the mining industry functions requires strenuous bonding. If there is a reclamation issue by a company that goes bankrupt, it is fully covered. The bonding companies know they will be on the hook if these guys go bankrupt and are very effective in weeding out the bad actors. This is another layer of unnecessary regulations for something that was a problem in the past but has not been an issue in Nevada for decades. I urge my colleagues

to not expand unnecessary rules, regulations and costs on our mining industry and vote "no" on this bill.

Roll call on Assembly Bill No. 148:

YEAS—13.

NAYS—Buck, Hammond, Hansen, Hardy, Kieckhefer, Seevers Gansert, Settlemeyer—7.

EXCUSED—Pickard.

Assembly Bill No. 148 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 153.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 153 declares that it is the policy of the State to encourage using agencies to implement any operating cost-saving measures to reduce costs related to energy, water or the disposal of waste. The bill also clarifies that any savings realized throughout the term of a performance contract may be used to make any payments required under the performance contract, including the payment of finance charges. The bill authorizes using agencies to request the reinvestment of savings realized under a performance contract as part of the process for the preparation of the proposed budget of the Executive Department.

Roll call on Assembly Bill No. 153:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 153 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 158.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 158 establishes and revises the penalties for certain misdemeanor offences involving alcohol, marijuana and cannabis. Instead of imposing a punishment of imprisonment in the county jail, imposing a fine or imposing both a fine and imprisonment for these offenses, the bill requires that an offender perform community service and attend a meeting of a panel of victims of persons injured or killed by a person who was driving under the influence of alcohol or a controlled substance.

An offender may also be required to undergo an evaluation to determine if the offender has an alcohol- or other substance-abuse disorder, the results of which will be considered by the court at sentencing. If the offender completes the terms and conditions imposed by the court, the court is required to seal the records relating to such convictions. The bill expands the jurisdiction of juvenile courts to include offenses committed by children relating to the possession or consumption of alcohol or offenses relating to possessing one ounce or less of marijuana. The measure provides that first and second offenses will result in the juvenile offender being deemed a child in need of supervision rather than a delinquent.

Roll call on Assembly Bill No. 158:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 158 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 166 requires a person, committee for political action, political party or committee sponsored by a political party that expends more than \$100 for financing a communication through text message, to disclose in the text message the name of the person or entity that paid for the communication. This disclosure is required if the text message advocates expressly for the election or defeat of a clearly identified candidate or group of candidates or solicits a contribution.

Roll call on Assembly Bill No. 166:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 166 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169.

Bill read third time.

Remarks by Senators Donate and Kieckhefer.

SENATOR DONATE:

Assembly Bill No. 169 requires licensed, private postsecondary institutions to limit where recruiting activities take place and provide applicants with certain information prior to signing an enrollment agreement. Such institutions must provide each student with a copy of the enrollment agreement and other information, including a disclosure page, a cancellation policy and a complaint policy.

SENATOR KIECKHEFER:

During the Great Recession, we made substantial cuts to NSHE. Some institutions decided to eliminate programs rather than make broad, across-the-board cuts. They were surgical. Would subsection 5 of section 1 prohibit an institution from doing that based on the concept of substantially failing to furnish the agreed program?

After looking at the bill, this is applicable for profit institutions offering training programs and ensuring that what they offer to Nevadans is a product of value. I appreciate Assembly Bill No. 169.

Roll call on Assembly Bill No. 169:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 169 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 177.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 177 requires a pharmacy, except an institutional pharmacy, to provide 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 authorized representative of a patient, any language prescribed by the State Board of Pharmacy.

If a pharmacy and a third party enters into a contract for the translation of the required information, neither the pharmacy nor its employees are liable in any civil action for injury resulting from the translation unless it is the result of negligence, recklessness or deliberate misconduct. Pharmacies must post in a conspicuous place a notice informing the patient that he or she may request this information in a language other than English along with a list of languages in which the information is available.

Roll call on Assembly Bill No. 177:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 177 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 178 requires insurers, including Medicaid, the Public Employees' Benefits Program, and local governments that provide coverage for their employees to waive any time-period restrictions within which a prescription may be refilled for an insured who resides in the area to which a state of emergency or declaration of disaster applies if the insured requests the refill within a certain time and authorize payment for a supply of a covered prescription drug for up to 30 days for any insured who requests a refill under those conditions. The Commissioner of Insurance is authorized to extend those times as he or she determines necessary.

The measure allows a pharmacist to fill or refill a prescription in an amount that is greater than the amount authorized by the prescribing practitioner but does not exceed a 30-day supply of the drug if: the drug is not a controlled substance listed in schedule II; the patient resided in an area where a state of emergency or declared disaster applies, and certain other requirements are met. A pharmacist who dispenses a drug under those conditions must issue and maintain a written order for dispensing the drug and notify the practitioner.

Roll call on Assembly Bill No. 178:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 178 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 181.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 181 requires health insurers who provide health coverage for their employees to comply with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. This prohibits group-health plans and health-insurance issuers who provide benefits for mental-health or substance-use disorders from imposing less favorable

benefit limitations on those benefits than on medical and surgical benefits. The bill requires each insurer or other organization subject to those requirements to submit to the Commissioner of Insurance information that demonstrates compliance with the Act. The Commissioner may adopt regulations to carry out the provisions of this bill, shall keep information confidential and submit an annual report to various entities.

Assembly Bill No. 181 also requires certain providers of health care designated by the State Board of Health to report information relating to attempted suicide to the Chief Medical Officer pursuant to regulations adopted by the Board. The bill: provides for the confidentiality of personal information contained in these reports; subjects a provider of health care who willfully fails to make such a report to a misdemeanor penalty and administrative fine, and requires the Chief Medical Officer to annually submit to the Patient Protection Commission a report summarizing any information relating to suicide.

Roll call on Assembly Bill No. 181:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Settlemeyer—6.

EXCUSED—Pickard.

Assembly Bill No. 181 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 182.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 182 revises the elements of the crime of advancing prostitution. It provides that a person who owns, leases, operates, controls or manages any business or private property is guilty of the crime if the person: knows that illegal prostitution is being conducted at the business or upon such private property due to having been notified, in writing, by a law enforcement agency of at least one incident of illegal prostitution that occurred at the business or upon such private property; receives notice pursuant to the bill's provisions that the illegal prostitution may result in prosecution for pandering or sex trafficking or for facilitating sex trafficking, and fails to take reasonable steps to abate such illegal prostitution within 30 days after receipt of such written notice.

Any action taken to abate illegal prostitution must comply with all applicable laws of this State, including those governing both domestic and commercial landlord-tenant relations. This measure further revises the elements of the crime of advancing prostitution by removing provisions concerning involuntary servitude and the promotion of ongoing education for employees about illegal prostitution.

Roll call on Assembly Bill No. 182:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 182 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 184.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 184 temporarily creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor to provide certain information to small businesses and to

coordinate with State agencies and local governments to facilitate interactions between such entities and small businesses. The bill authorizes the Lieutenant Governor to employ any necessary personnel within the limits of money available other than from the State General Fund. In addition to other provisions, the bill authorizes the Office of Small Business Advocacy to establish and maintain an education course for small businesses. The communications, files and records of the Office are confidential and are not public records.

Roll call on Assembly Bill No. 184:

YEAS—16.

NAYS—Buck, Hammond, Hardy, Settelmeyer—4.

EXCUSED—Pickard.

Assembly Bill No. 184 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186.

Bill read third time.

Remarks by Senators Ohrenschall and Hansen.

SENATOR OHRENSCHALL:

Assembly Bill No. 186 prohibits a law enforcement agency from requiring a peace officer to issue a certain number of traffic citations or make a certain number of arrests.

SENATOR HANSEN:

I oppose Assembly Bill No. 186. While I obviously do not like the idea of quotas, the testimony we heard indicated there is not a law enforcement agency in Nevada that does this. What they said is that this bill will now make it so they are not allowed to do any certification for police based on the number of citations or arrests they have. The testimony was this would help them determine when a cop has gone rogue and weed them out. Bad-apple officers are a concern. We are going to handicap them by denying them, by law, the ability to use a performance evaluation that includes arrests and tickets. On that basis, I urge my colleagues to vote "no."

Roll call on Assembly Bill No. 186:

YEAS—15.

NAYS—Buck, Hammond, Hansen, Hardy, Settelmeyer—5.

EXCUSED—Pickard.

Assembly Bill No. 186 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 187 designates the month of September of each year as "Ovarian and Prostate Cancer Prevention and Awareness Month" and requires the Governor to issue annually a proclamation encouraging the observance of Ovarian and Prostate Cancer Prevention and Awareness Month.

Roll call on Assembly Bill No. 187:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 187 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 190 requires a private employer who provides employees with sick leave to allow those employees to use accrued sick leave to assist a member of the employee's immediate family with certain medical needs. The employer may limit the amount of family sick leave employees may use to an amount that is equal to but not less than, the amount of sick leave that the employee accrues during a six-month period. If an employee is covered under a valid collective-bargaining agreement, the employer is excluded from these provisions.

Additionally, the Labor Commissioner is charged with enforcing these provisions and must prepare and post a bulletin explaining these requirements. A private employer that provides employees with sick leave must post the bulletin in the workplace.

Roll call on Assembly Bill No. 190:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 190 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 194.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 194 requires the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to adopt a policy for appealing the suspension or expulsion of a pupil. The bill specifies certain limitations and other requirements that must be included in the policy and provides that appeal hearings are not subject to Nevada's Open Meeting Law. School districts and individual schools must post this policy on their websites. Nevada's Department of Education is required to provide guidance on such appeal policies in as many languages as possible.

The bill also provides that a pupil who is suspended or expelled or is being considered for suspension or expulsion is entitled to be educated in the least restrictive environment possible. Assembly Bill No. 194 requires the annual report of accountability submitted by each school district and charter school sponsor to include information on the plan for restorative justice, the process in which progressive discipline is used and the manner in which school employees are trained on restorative justice and progressive discipline. Finally, the bill requires each school's plan to improve the achievement of pupils be developed in accordance with existing law relating to academic and nonacademic supports for pupil.

Roll call on Assembly Bill No. 194:

YEAS—19.

NAYS—Hansen.

EXCUSED—Pickard.

Assembly Bill No. 194 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195.**Bill read third time.****Remarks by Senator Donate.**

Assembly Bill No. 195 requires the board of trustees of each school district to determine the number of enrolled pupils who are immigrants; refugees; new, short-term and long-term English learners, and other English learners such as those with individualized education programs who are enrolled in certain programs. Information on the number of teachers licensed or with endorsements to teach English as a second language must be collected and reported to Nevada's Department of Education and transmitted to the Legislature annually.

The bill also enumerates the rights of pupils who are English language learners and the rights of parents or guardians of pupils who are English-language learners. Assembly Bill No. 195 requires the board of trustees of each school district to provide a parent or guardian with the enumerated rights in writing in both English and the person's primary language at the time of the pupil's registration. The bill requires the boards of trustees and each school that enrolls pupils who are English learners to post a copy of the rights on their respective Internet websites in as many languages as possible. Additionally, Assembly Bill No. 195 requires the board of trustees of each school district to post on its Internet website information on how the school district spent funds, including information on family engagement, received pursuant to Title III of the Every Student Succeeds Act of 2015, 20 U.S.C. § 6812. The bill authorizes Nevada Department of Education to adopt regulations needed to carry out provisions of this bill.

I was speaking to my mom about this bill a few weeks ago, and she revealed to me something I did not know about myself; I was an English-language learner student. This bill will help many children who look like me and come from the same district as I do. I urge my colleagues to support this bill.

Roll call on Assembly Bill No. 195:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 195 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.**Assembly Bill No. 197.****Bill read third time.****Remarks by Senator Harris.**

Assembly Bill No. 197 authorizes minors who demonstrate that they live apart from their parents or legal guardian, to consent to certain health services for themselves or their children. The bill removes the requirement that minors must have lived apart from their parents or legal guardian for at least four months. It prohibits delaying or denying health services to a minor who refuses to consent to communication with a parent or legal guardian. It also provides that a parent, legal guardian or legal custodian of a minor receiving certain treatment is not responsible for paying the cost of the treatment unless the parent, guardian or custodian has consented to such treatment.

Finally, Assembly Bill No. 197 revises provisions that require the State Registrar to provide birth certificates to a homeless person free of charge, in certain circumstances, by removing a requirement that the person must submit a signed affidavit stating that the person is homeless. Instead, a person needs to sign a statement under penalty of perjury that he or she is homeless. The State Registrar may not require such a statement to be notarized.

Roll call on Assembly Bill No. 197:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Settelmeyer—6.

EXCUSED—Pickard.

Assembly Bill No. 197 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 200 prohibits the practice of veterinary medicine unless a veterinarian-client-patient relationship exists, except that emergency or urgent care may be provided to an animal when a client cannot be identified. The bill also expands the practice of veterinary medicine to include veterinary telemedicine. A veterinarian who practices telemedicine must be licensed in Nevada and may supervise a veterinary technician via telemedicine under certain circumstances. In addition, the bill revises certain requirements for an application for a license to practice veterinary medicine.

The bill updates the Nevada State Board of Veterinary Medical Examiners current annual renewal schedule that ends November 15 to a biennial renewal schedule that would begin May 15 of each odd-numbered year and revises the requirements for renewal of certain licenses and registrations. Further, it revises the acts that constitute grounds for disciplinary action and the requirements governing the investigation and disposition of a complaint by the Board. Finally, the bill authorizes the Board to adopt regulations for the Board to issue non-disciplinary letters of correction for certain violations.

Roll call on Assembly Bill No. 200:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 200 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 202 provides a qualified organization that operates charitable lotteries or charitable games to offer prizes valued at less than \$100,000 annually must register and pay a fee to the Nevada Gaming Control Board once per year prior to operating a lottery or game. Qualified organizations are prohibited from operating a charitable lottery via a video lottery terminal or other networked electronic means. A professional sports organization may conduct online ticket sales in conjunction with a charitable lottery only under limited circumstances. The fee, which is to be established by regulations adopted by the Nevada Gaming Commission, must not exceed \$10 per year.

Roll call on Assembly Bill No. 202:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 202 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 205 authorizes a school nurse, or other designated employee of a school who is properly trained, to administer an opioid antagonist to any person on the premises of the school who is reasonably believed to be experiencing an opioid-related drug overdose. It requires a school that obtains an order for an opioid antagonist to establish policies and provide training relating to the storage, handling, transportation and administration of opioid antagonists to designated employees of the school.

The bill requires each school district and charter school to report to the Division of Public and Behavioral Health of DHHS certain information relating to the administration of opioid antagonists at public schools in this State. It requires the board of trustees of each school district and the governing body of each charter or private school that obtains an order for an opioid antagonist to establish policies to ensure emergency assistance is sought each time a person experiences a drug overdose at school and provide notification to the parent or guardian of a pupil to whom an opioid antagonist is administered.

Finally, this bill provides that a health-care professional is not subject to disciplinary action for issuing an order for opioid antagonists to a school. It exempts a school, school district, employee of a school, registered pharmacist, health-care professional and various other persons from liability for damages relating to the provision or administration of an auto-injectable epinephrine or an opioid antagonist under certain circumstances.

Roll call on Assembly Bill No. 205:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 205 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 207.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 207 provides that a business that offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium, which is not operated in conjunction with a physical location open to the public, is considered to be a "place of public accommodation." A private, online discussion forum with not more than 1,000 members, operated for the primary purpose of allowing its members to exercise their constitutionally protected right of expressive association and whose operator does not regularly receive certain payments from nonmembers, is exempt from the provisions governing places of public accommodation.

Roll call on Assembly Bill No. 207:

YEAS—12.

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

EXCUSED—Pickard.

Assembly Bill No. 207 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 210.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 210 provides for the registration and regulation of certain business entities that provide chiropractic services. Such business entities must register with the Chiropractic Physicians' Board of Nevada. The measure specifies the duties of such registered entities. The measure also makes various changes to the practice of chiropractic. It changes the title of a person who provides chiropractic services to "chiropractic physician" and the title of a person assisting a chiropractic physician to "chiropractic assistant." It revises educational qualifications of an applicant for a chiropractic license. The bill authorizes a chiropractic physician to recommend, dispense or administer any drug or device for which a prescription or order is not required. Lastly, it authorizes provisions concerning confidential communications between a patient and a chiropractic physician.

Roll call on Assembly Bill No. 210:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 210 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 212 revises and expands the membership of the Committee to Advise the Court Administrator regarding the adoption of regulations relating to the certification or registration of court interpreters for persons with limited English proficiency who are defendants, litigants and witnesses. Additionally, the Committee is required to make public an annual report that summarizes the activities of the Committee and statistical information concerning the usage of court interpreters. The report must be submitted to the Chief Justice of the Nevada Supreme Court and to the Legislature.

Roll call on Assembly Bill No. 212:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 212 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 214.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 214 replaces gendered language in statute regarding sexual assault with gender-neutral language and requires the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study of laws governing sexual assault. The

subcommittee must report its findings and recommendations to the Advisory Commission by September 1, 2022.

Roll call on Assembly Bill No. 214:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 214 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 215.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 215 requires Nevada's Department of Education to adopt regulations requiring school districts offering courses for an adult to earn a high school diploma to allow a person to enroll if they are at least 18 years of age or meet the requirements to participate in the statewide program of education for incarcerated persons, or they are at least 17 years of age and have attended at least four years of high school.

Roll call on Assembly Bill No. 215:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 215 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 228.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 228 provides for the establishment of children's advocacy centers where multidisciplinary teams work to investigate and help children recover from abuse and neglect and hold perpetrators of child abuse and neglect accountable. The bill outlines credentialing and operational requirements of such centers.

In addition, Assembly Bill No. 228 requires the governing body of each county and each child-welfare agency to ensure, to the extent that money is available, that children who are victims of abuse or neglect have access to services provided through a children's advocacy center. It creates the Account to Support Children's Advocacy Centers in the State General Fund, administered by the Division of Child and Family Services of DHHS.

Roll call on Assembly Bill No. 228:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 228 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 231.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 231 requires the State Board of Education to create a subcommittee to review and make recommendations on providing instruction on the Holocaust and other genocides, including the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, in social studies and language arts courses. The bill requires the State Board to report its findings and recommendations to the Legislative Committee on Education in each even-numbered year. After considering the State Board's report, the Legislative Committee on Education must submit its considerations and any recommendations to the Legislature.

It is sobering to be in the Hall of Names in Israel and recognize that there are no graves or tombstones. You only hear the names read one at a time.

Roll call on Assembly Bill No. 231:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 231 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235.

Bill read third time.

Remarks by Senators Buck and Cannizzaro.

SENATOR BUCK:

Assembly Bill No. 235 requires the board of trustees of a school district, the governing body of a charter school and a private school that operates a high school to provide education to pupils on the importance of financial planning and completing the Free Application for Federal Student Aid (FAFSA) and information on the Nevada College Kick Start Program; information on events for and encouragement to complete or receive help completing the FAFSA; at least two annual events at specified times for pupils and parents to complete the FAFSA, with certain exceptions, and coordination with a community college, state college or university to ensure pupils and their families receive support completing the FAFSA. The bill also requires the board of trustees of a school district and the governing bodies of charter schools report to the State Treasurer on attendance at such events and certain information concerning FAFSA assistance.

SENATOR CANNIZZARO:

I support Assembly Bill No. 235. As a first-generation college graduate, this strikes a chord with me. My parents did not graduate from high school, and I remember trying to navigate what was a difficult and confusing system as a high school student to try to figure out how I could get to college. One of the issues or barriers was how to pay for it. I had no idea how to apply for financial aid, and I never heard of FAFSA. My mother was nervous when we filled out the application because it asked for their financial information, and we were trying to figure out how to find that information. It was confusing to navigate that paperwork. Someone from UNR helped with my application and reached out to ensure I had support in filling out the application. Otherwise, we would have struggled to figure out how to get it submitted to where it needed to go and why they needed all of that information. I support Assembly Bill No. 235. It is for students like me who had trouble trying to figure it out.

Roll call on Assembly Bill No. 235:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 235 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.

Bill read third time.

Remarks by Senators Neal, Kieckhefer, Hansen and Settlemeyer.

SENATOR NEAL:

Assembly Bill No. 236 revises the eligibility qualifications for the Office of Attorney General by increasing the minimum age required from 25 years to 30 years at the time of an election. It increases the residency requirement from two years to three years. It adds the requirement that the person be a member of the State Bar of Nevada in good standing.

SENATOR KIECKHEFER:

I oppose Assembly Bill No. 236. Every constitutional officer in this State only needs to be 25 years old and have lived in the State for 2 years. The Governor can be 25 and have lived in the State for 2 years, and I see no reason the Attorney General has to be held to a different standard. The Treasurer does not have to be a CPA or have formal financial training, and the Secretary of State needs no expertise in elections before being elected. Making these changes to a single Constitutional Officer is inappropriate.

SENATOR HANSEN:

I agree with my colleague from District 16. In testimony, it was mentioned that there has never been an Attorney General in Nevada who was not an attorney. This adds an additional qualification that concerns me for a Constitutional Officer to have to be a member, in good standing, of the State Bar. That limits the pool of people who could run. When we are talking about a constitutional, Statewide office, why limit the ability of the voters to make their own selections. This gives too much authority to the State Bar. There have been no issues with those running who are not attorneys. If, in the future, there is someone who is qualified, who the citizens of Nevada want to select for a Constitutional Office, we should not restrict that ability. I urge my colleagues to leave the situation like it is now and allow the people to have the freedom of choice.

SENATOR SETTELMAYER:

Another discussion on this issue was that we are putting in bills that say a veterinarian does not have to be a State-licensed veterinarian anymore, and the State Water Engineer does not need to be an engineer, yet we are adding this. For that reason, I am opposed to this bill.

Roll call on Assembly Bill No. 236:

YEAS—12.

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

EXCUSED—Pickard.

Assembly Bill No. 236 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 245.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 245 increases the fees a public notary is authorized to charge for certain activities. The bill also increases the application and renewal fee for a person who wishes to engage in the business of a document-preparation service. Application and renewal fees for registration to engage in the business of document-preparation services must be placed in a special fund that

can only be used to administer and enforce the document-preparation services program. Finally, the bill authorizes the Secretary of State to impose a civil penalty upon persons registered to engage in the business of document-preparation service and persons who are engaged in the business but have not registered. Any determination by the Secretary of State that a violation has occurred is a public record.

Roll call on Assembly Bill No. 245:

YEAS—19.

NAYS—Buck.

EXCUSED—Pickard.

Assembly Bill No. 245 having received a two-thirds majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 249 prohibits the executive board and the governing documents of a common-interest community from restricting the hours in which construction may begin during the period beginning on May 1 and ending on September 30 to any hours other than those authorized by the governing body of a county or city.

Roll call on Assembly Bill No. 249:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 249 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 250 requires an insurer, a nonprofit hospital, a medical or dental service corporation and a local government that issues an insurance policy for a Medicare supplemental policy, including PEBP, to offer an annual enrollment period during which a person may enroll in a Medicare supplemental policy that includes the same or lesser benefits without being subject to medical underwriting.

The open enrollment period must begin the first day of the birthday month of an enrollee and remain open for 60 days. At least 30 days, but not more than 60 days, before the beginning of the open enrollment period, an insurer must notify enrollees of the dates the open enrollment period begins and ends, any rights of the insured to change to a different plan and any modifications of the current benefits.

Roll call on Assembly Bill No. 250:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Assembly Bill No. 250 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205.

Bill read third time.

The following amendment was proposed by Senator Denis:

Amendment No. 693.

SUMMARY—Provides regulatory exemptions for certain types of ~~residential and commercial~~ boilers. (BDR 40-839)

AN ACT relating to public safety; exempting certain ~~types of residential and commercial~~ water heaters from the standards that an owner of a boiler must comply with; ~~requiring~~ authorizing the Division of Industrial Relations of the Department of Business and Industry to adopt regulations establishing requirements relating to ~~certain systems which include multiple~~ equipment and apparatuses used in connection with water heaters; requiring the Division to revise its regulations to conform with the exemption for certain ~~types of residential and commercial~~ water heaters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various standards that an owner of a boiler must comply with. (Chapter 455C of NRS) Section 1.2 of this bill defines the term "water heater" and section 1.4 of this bill provides that the standards governing boilers do not apply to a water heater ~~in a residential or commercial building or structure or on residential or commercial premises that meets certain specifications. Section 1.6 of this bill makes a conforming change to indicate the placement of section 1.2 within the Nevada Revised Statutes.~~ if, with regard to the water heater, certain limitations are not exceeded. Section ~~1.8~~ 1.5 of this bill ~~requires~~ authorizes the Division of Industrial Relations of the Department of Business and Industry to adopt regulations ~~establishing requirements for~~ that apply to equipment and apparatuses used in connection with a ~~system that includes the serial interconnection of multiple~~ water heaters. Section 1.6 of this bill makes a conforming change to indicate the proper placement of section 1.2 within the Nevada Revised Statutes. Section 2 of this bill requires the Division to revise its regulations to conform with the provisions of section 1.4.

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

Section 1. Chapter 455C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, ~~and~~ 1.4 and 1.5 of this act.

Sec. 1.2. "Water heater" means an appliance that is:

1. *Designed primarily to supply hot water for domestic or commercial purposes; and*
2. *Equipped with automatic controls which limit water temperature to a maximum of 210 degrees Fahrenheit (99 degrees Centigrade).*

Sec. 1.4. ~~Except as otherwise provided in NRS 455C.110, the~~ The provisions of this chapter and any regulations adopted pursuant thereto do not apply to ~~any~~ a water heater ~~in a residential or commercial building or~~

~~structure or on residential or commercial premises that; if, with regard to the water heater, none of the following limitations is exceeded:~~

~~1. ~~Is not included in a serial interconnection of multiple water heaters; and~~~~

~~2. Does not exceed any of the following:~~

~~(a) An input of heat of 199,999 British thermal units per hour (58,600 watts). ~~or~~~~

~~(b) 2. A water temperature of 210 degrees Fahrenheit (99 degrees Centigrade).~~

~~3. A water capacity of 120 gallons (450 liters).~~

Sec. 1.5. Notwithstanding the provisions of section 1.4 of this act, the Division may adopt regulations that apply to the equipment and apparatuses used in connection with a water heater.

Sec. 1.6. NRS 455C.010 is hereby amended to read as follows:

455C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 455C.020 to 455C.080, inclusive, and section 1.2 of this act have the meanings ascribed to them in those sections.

Sec. 1.8. ~~NRS 455C.110 is hereby amended to read as follows:~~

~~455C.110 The Division shall adopt regulations that establish:~~

~~1. Standards and procedures relating to the installation, inspection, operation, maintenance, relocation, improvement, alteration and repair of boilers, elevators and pressure vessels, including, without limitation, regulations:~~

~~(a) Providing an exemption from those standards and procedures:~~

~~(1) In the case of an emergency; or~~

~~(2) If the Division determines that it is in the best interests of the general public; and~~

~~(b) Establishing requirements for the inspection of boilers, elevators and pressure vessels.~~

~~2. Requirements regarding the equipment and apparatuses used in connection with a system that includes the serial interconnection of multiple water heaters including, without limitation, water heaters described in section 1.4 of this act.~~

~~3. The requirements for the issuance and renewal of a certificate as:~~

~~(a) A boiler inspector; and~~

~~(b) An elevator mechanic.~~

~~[3.] 4. The grounds for initiating disciplinary action against a holder of a certificate, including, without limitation, the grounds for:~~

~~(a) The suspension or revocation of a certificate; and~~

~~(b) Requiring the holder of a certificate to pay an administrative fine.~~

~~[4.] 5. The methods of enforcement the Division will use to ensure compliance with NRS 455C.100 and the regulations adopted pursuant to [subsection] subsections 1 [,] and 2, including, without limitation:~~

~~(a) Notifying an owner of a boiler, elevator, [or] pressure vessel or water heater that the owner has violated a provision of the regulations adopted~~

~~pursuant to subsection 1 or 2 and establishing a period within which the owner must correct the violation;~~

~~(b) Requiring the owner to pay an administrative fine; and~~

~~(c) Suspending or revoking a permit issued by the Division pursuant to NRS 455C.100.] (Deleted by amendment.)~~

Sec. 2. 1. The provisions of any regulation adopted by the Division of Industrial Relations of the Department of Business and Industry which conflict with the provisions of section 1.4 of this act are void and must not be given effect to the extent of the conflict.

2. The Division of Industrial Relations of the Department of Business and Industry shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of section 1.4 of this act as soon as practicable after the effective date of this act.

Sec. 3. 1. This section and sections 1, 1.2, 1.4, 1.6, 1.8 and 2 of this act ~~become~~ become effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2021.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 693 to Senate Bill No. 205 revises the types of water heaters to which the bill's requirements apply. It deletes provisions requiring the Division of Industrial Relations of the Department of Business and Industry to adopt requirements regarding the equipment and apparatuses used in connection with a system that includes the serial interconnection of multiple water heaters. Instead, it authorizes the Division to adopt regulations that apply to equipment and apparatuses used in connection with water heaters.

Amendment adopted.

Bill read third time.

Remarks by Senators Ratti and Hansen.

SENATOR RATTI:

Senate Bill No. 205 provides that existing standards governing boilers do not apply to water heaters that do not exceed certain limitations. Additionally, it authorizes the Division of Industrial Relations of the Department of Business and Industry to adopt regulations that apply to equipment and apparatuses used in connection with water heaters.

SENATOR HANSEN:

I support this bill. I have not had the chance to read the amendment, but have experienced this problem in the field. Because of these boiler requirements, when I put in water heaters at a Washoe County school, and because the water heaters were of a certain size, they had to meet a boiler requirement. At huge expense, the district brought in the people from the factory to try to correct the water heaters so they met a certain boiler standard. These were big, expensive commercial water heaters, and this was ridiculous. The concept behind this bill is excellent and it is a reasonable thing that needs to be corrected. As a plumber, I salute you Mr. President pro Tempore. I urge my colleagues to vote "yes" on Senate Bill No. 205.

Roll call on Senate Bill No. 205:

YEAS—20.

NAYS—None.

EXCUSED—Pickard.

Senate Bill No. 205 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 448, 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*

Mr. President pro Tempore:

Your Committee on Judiciary, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 400, 424, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Pursuant to Senate Standing Rule No. 134.1(a), Senate Majority Leader Cannizzaro has authorized Senator Pickard to use remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 454—AN ACT relating to agriculture; authorizing the State Department of Agriculture to establish and collect certain fees; reducing certain periods for the rerecording of brands and marks from 4 years to 3 years; requiring certain applications to be submitted electronically or in writing; requiring certain notices to be sent electronically or in writing; requiring the Department to furnish certain owners with an electronic copy of certain certificates; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 448.

Bill read second time.

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

Amendment No. 731.

SUMMARY—Revises provisions governing public utilities. (BDR 58-46)

AN ACT relating to utilities; revising provisions governing partial tax abatements for certain renewable energy facilities; repealing provisions governing the Electric Vehicle Infrastructure Demonstration Program; requiring an electric utility to submit a plan to accelerate transportation electrification in this State; requiring an electric utility to file a plan for certain high-voltage transmission infrastructure projects; requiring the Public Utilities Commission of Nevada to require a transmission provider to join a regional transmission organization; creating and setting forth the powers, duties and membership of the Regional Transmission Coordination Task Force; providing that there is no presumption that the expenditures of a utility were prudently incurred for certain purposes; revising the definition of public utility; revising provisions governing the disposal of generation assets; revising provisions governing the Economic Development Electric Rate Rider Program; revising requirements for the energy efficiency plan of an electric utility; abolishing the New Energy Industry Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who intends to locate a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of renewable energy in this State to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes or property taxes. (NRS 701A.360) Section 7 of this bill authorizes a person who intends to locate a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility in this State to apply for this partial tax abatement as well. Sections 3-5 of this bill define additional terms related to this partial tax abatement. Section 8 of this bill makes a conforming change to reflect that a partial tax abatement may be granted for a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility.

Existing law creates an Electric Vehicle Infrastructure Demonstration Program, in connection with which a utility is required to submit to the Public Utilities Commission of Nevada an annual plan for carrying out the Program in the service area of the utility. (NRS 701B.670) Section 10 of this bill removes the requirement for a utility to submit an annual plan for carrying out the Program. Section 56 of this bill repeals the remaining provisions of law relating to the Program. Sections 9 and 48 of this bill remove provisions of law which reference the Program.

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard.

(NRS 704.741) Sections 39 and 41 of this bill remove the requirement for an electric utility to include a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard in its resource plan. Instead, sections 15-24 of this bill require an electric utility, on or before September 1, 2021, to amend its most recently filed resource plan to include a plan for certain high-voltage transmission infrastructure construction projects that will be placed into service not later than December 31, 2028. Section 39 requires the integrated resource plan, with respect to the possible sources of supply of the electric utility, to include at least one scenario of low carbon dioxide emissions that uses sources of supply that will achieve certain reductions in carbon dioxide emissions. Sections 39 and 41 also revise provisions governing the proposal for certain expenditures related to energy efficiency and conservation programs which must be included in the integrated resource plan.

Section 30 of this bill requires the Public Utilities Commission of Nevada to require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030, unless the transmission provider obtains a waiver or delay of the requirement from the Commission. Sections 26-29 of this bill define terms related to transmission providers and regional transmission organizations.

Sections 31-34 of this bill create and set forth the membership and duties of the Regional Transmission Coordination Task Force. Section 33 of this bill requires the Task Force to advise the Governor and the Legislature on topics and policies related to energy transmission in this State, including the costs and benefits of the transmission providers in this State joining a regional transmission organization. Sections 26-29 of this bill define terms related to regional transmission organizations and the Task Force.

Sections 14 and 39 of this bill require an electric utility to include a plan to accelerate transportation electrification in the distributed resources plan submitted by the utility as part of its integrated resource plan. Section 40 of this bill establishes factors which must be considered by the Commission in deciding whether to accept or modify a transportation electrification plan which has been submitted by a utility. Section 1 of this bill sets forth certain findings of the Legislature which are relevant to the transportation electrification plan. Section 51 of this bill provides that an electric utility is not required to include a transportation electrification plan in its resource plan filed on or before June 1, 2021, but an electric utility is required to file an amendment to its resource plan to add a transportation electrification plan on or before September 1, 2022. Section 38 of this bill makes a conforming change.

Section 49 of this bill requires an electric utility, on or before September 1, 2021, to file a plan to invest in certain transportation electrification programs during the period beginning January 1, 2022, and ending on December 31, 2024, and establishes requirements for the contents of the transportation electrification investment plan for that period. Section 49 also establishes

requirements for the review and the acceptance or modification of the transportation electrification investment plan by the Commission.

Section 35 of this bill provides that there is no presumption that the expenses, investments or other costs incurred by a utility were prudently incurred and places the burden on the utility to demonstrate that expenses, investments or other costs were prudently and reasonably incurred. Section 37 of this bill makes a conforming change to indicate the proper placement of section 35 in the Nevada Revised Statutes.

Section 36 of this bill provides that a person is not a public utility if he or she owns or operates a net metering system that provides electricity to multiple units or spaces on the same premises as the net metering system if the electricity is delivered only to units or spaces on the same premises as the net metering system, there are no individual meters measuring electricity use by the units or spaces and the persons occupying the units or spaces are not charged for electricity based upon volumetric electricity use.

Existing law authorizes an electric utility to dispose of its generation assets pursuant to an authorized merger, acquisition or transaction or pursuant to an authorized transfer of its certificate of public convenience and necessity if the merger, acquisition, transaction or transfer satisfies certain requirements, including that the other person in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric company. (NRS 704.7591) Section 42 of this bill removes the requirement that the other person involved in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric utility and instead requires that the disposal of the generation assets be approved in an order issued by the Commission.

Existing law establishes the Economic Development Electric Rate Rider Program to encourage the location or relocation of new businesses in this State by providing discounted rates for electricity to eligible participants. (NRS 704.7871-704.7882) The Commission is required to establish the discounted electric rates that may be charged pursuant to the Program as a percentage of the base tariff energy rate. (NRS 704.7881) Existing law prohibits the Office of Economic Development within the Office of the Governor from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2017, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. (NRS 704.788) Section 45 of this bill prohibits the Office of Economic Development from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. Section 46 of this bill modifies provisions governing the maximum amount of the discount which the Commission is authorized to establish for the rate charged under the Program. Section 47 of this bill requires the Commission to submit a report concerning the Program

on or before December 31, 2022, for transmittal to the 82nd Session of the Legislature.

Existing law requires the Commission to establish goals for energy savings for each electric utility for each calendar year and also requires each electric utility to implement an energy efficiency plan which is cost effective and designed to meet the goals for energy savings established by the Commission. Existing law further requires that at least 5 percent of the expenditures related to energy efficiency programs must be directed toward low-income customers of the electric utility. (NRS 704.741, 704.7836) ~~(Section)~~ Sections 39, 41 and 44 of this bill ~~(requires)~~ require that at least 10 percent of the expenditures related to energy efficiency programs must be spent on energy efficiency measures for customers in low-income households and residential customers and public schools in historically underserved communities. Additionally, section 44 provides that programs that can offer variable incentive levels must offer higher incentive levels for low-income households. Section 54 of this bill requires an electric utility to amend its energy efficiency plan to conform with the amendatory provisions of this bill. Sections 12 and 13 of this bill define terms relating to the energy efficiency plan. Section 43 makes a conforming change to indicate the proper placement of sections 12 and 13 in the Nevada Revised Statutes.

Existing law creates the New Energy Industry Task Force which is charged with advising the Director of the Office of Energy on measures to promote the development of renewable energy and energy efficiency projects. (NRS 701.500, 701.510) Section 55 of this bill abolishes the Task Force.

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

Section 1. The Legislature hereby finds and declares that:

1. Human activities, including, without limitation, the burning of fossil fuels for electricity, transportation and heat in buildings, cause the release of greenhouse gases that trap heat in the Earth's atmosphere, and these human activities have been and continue to be the primary driver of global climate change.

2. The transportation sector now accounts for the greatest percentage of greenhouse gas emission in Nevada, and, based on current policies, is projected to remain the largest contributor of greenhouse gas emissions through 2030.

3. Pursuant to NRS 445B.380, the Legislature has established goals to achieve reductions in Nevada's net greenhouse gas emissions, relative to 2005 emissions, of 28 percent by the year 2025, 45 percent by the year 2030 and zero or near-zero emissions by the year 2050.

4. Meeting these greenhouse gas emission goals will require substantial further reductions in Nevada's transportation sector emissions below the current projected emission levels for that sector for 2025 and 2030.

5. Accelerating the use of electric vehicles will help preserve Nevada's climate and help protect Nevadans from unhealthy air pollution.

6. Accelerating the use of electric vehicles will reduce pollution in low-income neighborhoods and communities of color that traditionally have been most affected by transportation pollution.

7. The acceleration of the use of electric vehicles will be assisted by investments in the infrastructure necessary to maximize the benefits of the expanding electric vehicle market.

8. Widespread adoption of electric vehicles requires that electric utilities increase access to electricity as a transportation fuel, including access for low-income Nevadans and historically underserved communities.

9. Widespread adoption of electric vehicles should provide consumers with fuel cost savings and electric utility customers with potential cost-saving benefits.

10. Widespread adoption of electric vehicles should stimulate innovation, competition and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Nevada.

11. Widespread adoption of electric vehicles should improve an electric utility's electrical system efficiency and operational flexibility, including, without limitation, the ability of the electric utility to integrate variable renewable energy generation resources and to make use of off-peak generation resources.

Sec. 2. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *"Energy storage technology" means technology that stores energy as potential, kinetic, chemical or thermal energy that can be released as electric power, including, without limitation, batteries, flywheels, electrochemical capacitors, compressed-air storage and thermal storage devices.*

Sec. 4. 1. *"Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the sole purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release as electric power at a later time, including, without limitation, a facility that is designed to use energy storage technology.*

2. *The term does not include a facility that is located on a residential property.*

Sec. 5. *"Hybrid renewable generation and energy storage facility" means a facility that includes both a wholesale facility for the generation of electricity from renewable energy and a facility for the storage of energy from renewable generation.*

Sec. 6. NRS 701A.300 is hereby amended to read as follows:

701A.300 As used in NRS 701A.300 to 701A.390, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy , ~~or~~ a wholesale facility for the generation of electricity from renewable energy , *a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility* in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. An applicant may submit a copy of the application to the board of county commissioners at any time after the applicant has submitted the application to the Director.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~and~~ , *and sections 3, 4 and 5 of this act.*

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

- (a) The Chief of the Budget Division of the Office of Finance;
- (b) The Department of Taxation;
- (c) The board of county commissioners;
- (d) The county assessor;
- (e) The county treasurer; and
- (f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 8. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 3, 4 and 5 of this act* if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State in capital assets that will be

retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy , ~~for~~ a wholesale facility for the generation of electricity from renewable energy , *a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility* unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➔ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages":

(a) Means the basic hourly rate of pay.

(b) Does not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 9. NRS 701B.005 is hereby amended to read as follows:

701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsections 2 and 3, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy

systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.

2. Subject to the limitation prescribed by subsection 3, the Commission may authorize the payment of an incentive pursuant to the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 ~~[, the Electric Vehicle Infrastructure Demonstration Program created by NRS 701B.670]~~ and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would not cause the total amount of incentives paid by all utilities in this State for the installation of ~~[electric vehicle infrastructure,]~~ solar energy systems, solar distributed generation systems, energy storage systems, wind energy systems and waterpower energy systems to exceed \$295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.

3. For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money allocated for the payment of an incentive pursuant to subsection 2, authorize the payment of incentives in an amount of not more than \$1,000,000 per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of utilities in this State that benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and public entities, other than municipalities, that serve significant populations of low-income residents.

4. The Commission may, subject to the limitations prescribed by subsections 2 and 3, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

5. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

6. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

~~(b) ["Electric vehicle infrastructure" has the meaning ascribed to it in NRS 701B.670.~~

~~(c) "Energy storage system" has the meaning ascribed to it in NRS 701B.057.~~

~~(d) (c) "Municipality" means any county or city in this State.~~

~~(e) (d) "Utility" means a public utility that supplies electricity in this State.~~

Sec. 10. NRS 701B.670 is hereby amended to read as follows:

701B.670 1. The Legislature hereby finds and declares that it is the policy of this State to expand and accelerate the deployment of electric vehicles and supporting infrastructure throughout this State.

2. The Electric Vehicle Infrastructure Demonstration Program is hereby created.

3. The Commission shall adopt regulations to carry out the provisions of the Electric Vehicle Infrastructure Demonstration Program . ~~{, including, without limitation, regulations that require a utility to submit to the Commission an annual plan for carrying out the Program in its service area. The annual plan submitted by a utility may include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation:~~

~~—(a) The payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure;~~

~~—(b) Qualifications and requirements an applicant must meet to be eligible to be awarded an incentive;~~

~~—(c) The imposition of a rate by the utility to require the purchase of electric service for the charging of an electric vehicle at a rate which is based on the time of day, day of the week or time of year during which the electricity is used, or which otherwise varies based upon the time during which the electricity is used, if a customer of the utility participates in the Electric Vehicle Infrastructure Demonstration Program;~~

~~—(d) The establishment of programs directed by the utility to promote electric vehicle infrastructure, including, without limitation, education and awareness programs for customers of the utility, programs to provide technical assistance related to the charging of electric vehicles to governmental entities or the owners or operators of large fleets of motor vehicles and programs to create partnerships with private organizations to promote the development of electric vehicle infrastructure; and~~

~~—(e) The payment of an incentive to a customer of the utility that is a public school, as defined in NRS 385.007, that installs electric vehicle infrastructure on the property of the public school or purchases electric vehicles dedicated to the transportation of students, not to exceed 75 percent of the cost to install such infrastructure or purchase such vehicles.}~~

4. ~~{The Commission shall:~~

~~—(a) Review each annual plan submitted by a utility pursuant to the regulations adopted pursuant to subsection 3 for compliance with the requirements established by the Commission; and~~

~~—(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Electric Vehicle Infrastructure Demonstration Program.~~

~~—5.}~~ Each utility:

(a) Shall carry out and administer the Electric Vehicle Infrastructure Demonstration Program within its service area ~~{in accordance with its annual plan}~~ as approved by the Commission ; ~~{pursuant to subsection 4.}~~ and

(b) May recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those

costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

~~{6.}~~ 5. As used in this section:

(a) "Electric vehicle" means a vehicle powered solely by one or more electric motors.

(b) "Electric vehicle infrastructure" includes, without limitation, electric vehicles and the charging stations for the recharging of electric vehicles.

Sec. 11. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 35, inclusive, of this act.

Sec. 12. 1. *"Historically underserved community" means:*

(a) *A census tract:*

(1) *Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or*

(2) *In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language ~~and~~;*

(b) *A public school in this State:*

(1) *In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or*

(2) *That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 ~~and~~; or*

(c) *Qualified tribal land, as defined in NRS 370.0325.*

2. *As used in this section:*

(a) *"Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.*

(b) *"Block group" means a combination of blocks whose numbers begin with the same digit.*

(c) *"Census tract" means a combination of block groups.*

Sec. 13. *"Low-income household" means a household, which may include one or more persons, with a median household income of not more than 80 percent of the area median household income, based on the guidelines published by the United States Department of Housing and Urban Development.*

Sec. 14. 1. *An electric utility in this State shall file with the Commission, as part of the distributed resources plan required to be submitted pursuant to NRS 704.741, a plan to accelerate transportation electrification in this State. Two or more electric utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.*

2. *A plan submitted pursuant to subsection 1 may include:*

(a) *Investments or incentives to facilitate the deployment of charging infrastructure and associated electrical equipment which supports*

transportation electrification across all customer classes including, without limitation, investments or incentives for residential charging infrastructure at single-family homes and multi-unit dwellings for both shared and assigned parking spaces;

(b) Investments or incentives to facilitate the electrification of public transit and publicly owned vehicle fleets;

(c) Investments or incentives to increase access to the use of electricity as a transportation fuel in historically underserved communities;

(d) Rate designs, programs or management systems that encourage the charging of vehicles in a manner that supports the operation and optimal integration of transportation electrification into the electric grid, including, without limitation, proposed schedules necessary to implement the rate designs or programs; and

(e) Customer education and culturally competent and linguistically appropriate outreach programs that increase awareness of investments, incentives, rate designs and programs of the type listed in paragraphs (a) to (d), inclusive, and of the benefits of transportation electrification.

3. During the 9 months immediately before an electric utility files its first plan pursuant to subsection 1 and during the 12 months immediately before an electric utility files any subsequent plan pursuant to subsection 1, the electric utility shall conduct at least one stakeholder engagement meeting each calendar quarter to discuss the development of the plan and to solicit comments and gather ideas for improvements or additions to the plan which support transportation electrification. Each stakeholder engagement meeting must be open to participation by the Regulatory Operations Staff of the Commission, personnel from the Bureau of Consumer Protection in the Office of the Attorney General and any other interested person. Each plan filed pursuant to subsection 1 must include a summary of the stakeholder engagement meetings conducted in the 9- or 12-month period, as applicable, immediately preceding the filing of the plan, which must include, without limitation, summaries of the comments and ideas provided by the participants.

4. Not more than 60 days after the issuance of an order by the Commission pursuant to NRS 704.751 approving or modifying a plan submitted pursuant to subsection 1, an electric utility which supplies electricity in this State shall file with the Commission any schedules necessary to implement the rate designs and programs included in the plan.

~~4.4~~ 5. The Commission shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, regulations prescribing a process for the electric utility to recover all costs that it prudently and reasonably incurs to develop and implement a plan submitted pursuant to this section and approved by the Commission pursuant to NRS 704.751. The regulations adopted pursuant to this section may require an annual review of the progress and budgets of an approved plan submitted pursuant to this section.

~~5.5~~ 6. As used in this section:

(a) "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(b) "Block group" means a combination of blocks whose numbers begin with the same digit.

(c) "Census tract" means a combination of block groups.

(d) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(e) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language ~~§§~~;

(2) A public school in this State:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 ~~§§~~; or

(3) Qualified tribal land, as defined in NRS 370.0325.

(f) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 15. As used in sections 15 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 17. "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 18. "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 19. "High-voltage transmission infrastructure" means bulk transmission lines capable of transmitting electricity at a voltage of 345 kilovolts or more, and associated electrical substations and substation expansions to accommodate the transmission lines.

Sec. 20. "Transmission infrastructure for a clean energy economy plan" or "plan" means a plan filed by an electric utility with the Commission pursuant to section 21 of this act.

Sec. 21. 1. On or before September 1, 2021, an electric utility shall file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate into the resource plan a transmission infrastructure for a clean energy economy plan which sets forth a plan for the construction of

high-voltage transmission infrastructure that will be placed into service not later than December 31, 2028, to:

(a) Assure a reliable and resilient transmission network in this State to serve the existing and currently projected transmission service obligations of the electric utility;

(b) Assist the utility in meeting the portfolio standard established by NRS 704.7821 and the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820;

(c) Promote economic development in this State, including, without limitation, by creating jobs, expanding the tax base or providing other economic benefits;

(d) Expand transmission access to renewable energy zones designated by the Commission pursuant to subsection 2 of NRS 704.741 to promote the development and use of renewable energy resources in this State;

(e) Use federally granted rights-of-way within designated renewable energy transmission corridors before the expiration of such rights-of-way; and

(f) Support the development of regional transmission interconnections that may be required for:

(1) This State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820; and

(2) The electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection.

➔ Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The plan submitted pursuant to subsection 1 must not include any project other than the following high-voltage transmission infrastructure projects for which the Commission has previously approved conceptual designs, permitting and land acquisition:

(a) A project for the implementation of high-voltage transmission infrastructure interconnecting northwest and northeast Nevada, which will increase the transmission import capacity of northern Nevada by not less than 800 megawatts.

(b) A project for the implementation of high-voltage transmission infrastructure located in southern Nevada and accessing a federally designated renewable energy transmission corridor that will accommodate future renewable energy development and increased demand for electricity.

3. Except as otherwise provided in this subsection, if an electric utility that primarily serves densely populated counties and an electric utility that primarily serves less densely populated counties submit a joint plan pursuant to subsection 1, 70 percent of the costs of high-voltage transmission infrastructure projects included in the plan must be allocated to the electric utility that primarily serves densely populated counties and 30 percent of such costs must be allocated to the electric utility that primarily serves less densely

populated counties. The Commission may review and reassess the allocation of costs between electric utilities based on the actual benefits that accrue to the electric utilities after the projects are in service.

4. The plan submitted pursuant to subsection 1 must include an evaluation of the impact that the implementation of the plan will have on:

- (a) The reliability of the transmission network of the utility;
- (b) The resilience of the transmission network of the utility, including, without limitation, the ability of the transmission network to withstand natural or manmade events that could otherwise disrupt the provision of electric service in this State;
- (c) The development and use of renewable energy resources in this State;
- (d) Economic activity and economic development in this State over a period of not less than 20 years from the date of the plan, including, without limitation, capital investments, the direct or indirect creation of jobs and additions to the tax base of this State;
- (e) The projected carbon dioxide emissions of the utility resulting from the generation of electricity, including, without limitation, carbon dioxide emissions from the generation of electricity that is purchased by the electric utility;
- (f) The ability of the utility to diversify its supply portfolio of renewable energy resources by including larger amounts of geothermal energy generation and hydrogeneration;
- (g) The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable renewable energy resources, including, without limitation, solar and wind energy resources;
- (h) The ability of the utility to reduce its energy supply costs by selling to other states electricity generated in this State from renewable energy during periods when the utility's supply of electricity exceeds the demand for electricity by the customers of the utility;
- (i) The ability of the utility to reduce its energy supply costs by purchasing electricity generated in other states from renewable energy during periods when the demand for electricity by the customers of the utility exceeds the availability of electricity from renewable generation in this State;
- (j) The utility's provision of open access to interstate and intrastate transmission services, in accordance with the utility's open access transmission tariff, to other persons in this State using the utility's transmission network, including, without limitation, eligible customers, as defined in NRS 704B.080, and providers of new electric resources, as defined in NRS 704B.130, who are or intend to become customers of the utility's interstate transmission services;
- (k) The ability of the utility to accommodate requests for access to renewable energy resources that will allow customers who want to acquire all of their energy from zero carbon dioxide emission resources to do so;
- (l) The development of regional transmission interconnections that may be required for this State to cost-effectively achieve the goals for the reduction of

greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 or for the electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection;

(m) The rates charged to the bundled retail customers of the utility; and

(n) The financial risk to the ~~bundled retail~~ customers of the utility.

5. As used in this section, "Western Interconnection" means the synchronously operated electric transmission grid located in the western part of North America, including parts of Montana, Nebraska, New Mexico, South Dakota, Texas, Wyoming and Mexico and all of Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington and the Canadian Provinces of British Columbia and Alberta.

Sec. 22. 1. In implementing a transmission infrastructure for a clean energy economy plan, an electric utility shall mitigate costs to the extent possible by utilizing available federal tax incentives and federal funding, including, without limitation, direct and indirect grants and loan guarantees.

2. If, in any general rate proceeding filed by an electric utility pursuant to NRS 704.110 or 704.7621, the electric utility includes a request for recovery of any amount related to the implementation of a transmission infrastructure for a clean energy economy plan and the recovery of such an amount would result in an increase in the electric utility's total revenue requirement of more than 10 percent, the utility must propose a method or mechanism by which such an increase may be mitigated. The Commission may accept or reject such a rate method or mechanism and is not obligated to implement any proposed mitigation plan. If a mechanism is implemented to mitigate an increase in the electric utility's total revenue requirement pursuant to this section, the electric utility is entitled to recover all of its prudently and reasonably incurred costs and a return on its investment.

Sec. 23. An electric utility may file an amendment to a transmission infrastructure for a clean energy economy plan as an amendment to its resource plan as provided in NRS 704.751.

Sec. 24. If the Commission deems inadequate any portion of a transmission infrastructure for a clean energy economy plan or any amendment to the plan, the Commission, as provided in NRS 704.751, may recommend to the electric utility a modification of that portion of the plan or amendment, and the electric utility may:

1. Accept the modification; or

2. Withdraw the proposed plan or amendment.

Sec. 25. As used in sections 25 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 29, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 26. "Regional transmission organization" means an entity established for the purpose of coordinating and efficiently managing the dispatch and transmission of electricity among public utilities on a multistate or regional basis that:

1. Is approved by the Federal Energy Regulatory Commission;

2. *Effectuates separate control of transmission facilities from control of generation facilities;*
3. *Implements, to the extent reasonably possible, policies and procedures designed to minimize pancaked transmission rates;*
4. *Improves service reliability within this State;*
5. *Achieves the objectives of an open and competitive wholesale electric generation marketplace, elimination of barriers to market entry and preclusion of control of bottleneck electric transmission facilities in the provision of retail electric service;*
6. *Is of sufficient scope or otherwise operates to substantially increase economical supply options for customers;*
7. *Has a structure of governance or control that is independent of the users of the transmission facilities, and no member of its board of directors has an affiliation with a user or with an affiliate of a user during the member's tenure on the board so as to unduly affect the regional transmission organization's performance;*
8. *Operates under policies that promote positive performance designed to satisfy the electricity requirements of customers;*
9. *Has an inclusive and open stakeholder process that does not place unreasonable burdens on or preclude meaningful participation by any stakeholder group;*
10. *Promotes and assists new economic development in this State; and*
11. *Is capable of maintaining real-time reliability of the transmission system, ensuring comparable and nondiscriminatory access and necessary service, minimizing system congestion and further addressing real or potential transmission constraints.*

Sec. 27. *"Task Force" means the Regional Transmission Coordination Task Force created by section 31 of this act.*

Sec. 28. *"Transmission provider" means a public utility that owns, controls or operates facilities used for the transmission of electricity in interstate commerce and provides transmission service under a tariff approved by the Federal Energy Regulatory Commission.*

Sec. 29. *"User" means any entity or affiliate of an entity that buys or sells electricity in the regional transmission organization's region or in a neighboring region.*

Sec. 30. 1. *Except as otherwise provided in subsection 2, the Commission shall require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030.*

2. *Upon application by a transmission provider, the Commission may waive or delay the requirement in subsection 1 if:*

(a) *The transmission provider files an application with the Commission on or before January 1, 2027, requesting the waiver or delay;*

(b) *The transmission provider demonstrates:*

(1) *That the transmission provider has made all reasonable efforts to comply with the requirement but is unable to find a viable and available*

regional transmission organization that the transmission provider can join on or before January 1, 2030; or

(2) That it would not be in the best interests of the transmission provider and its customers to join a regional transmission organization on or before January 1, 2030; and

(c) The Commission determines that it is in the public interest to grant the requested waiver or delay.

Sec. 31. 1. The Regional Transmission Coordination Task Force is hereby created.

2. The Governor shall appoint a person to act as the Chair of the Task Force who serves at the pleasure of the Governor. The Chair is a voting member of the Task Force.

3. In addition to the Chair, the Task Force consists of:

(a) The following voting members, appointed by the Governor:

(1) A representative of an electric utility that primarily serves densely populated counties, as defined in NRS 704.110;

(2) A representative of an organization that represents rural electric cooperatives and municipally owned electric utilities in this State;

(3) A representative of the Colorado River Commission;

(4) A representative of a transmission line development company operating in this State;

(5) A representative of the large-scale solar energy industry in this State;

(6) A representative of the geothermal energy industry in this State;

(7) A representative of the data center businesses in this State;

(8) A representative of an organization that represents the mining industry in this State;

(9) A representative of an organization that represents the gaming and resort businesses in this State;

(10) A representative of a labor organization in this State;

(11) A representative of an organization in this State that advocates on behalf of environmental or public lands issues who has expertise in or knowledge of environmental or public lands issues;

(12) A representative of the Office of Energy;

(13) A representative of the Office of Economic Development;

(14) ~~One member~~ Two members of the Senate, nominated by the Majority Leader of the Senate ~~+~~, at least one of whom must be a member of the minority political party;

(15) ~~One member~~ Two members of the Assembly, nominated by the Speaker of the Assembly ~~+~~, at least one of whom must be a member of the minority political party; and

(16) Not more than three persons who represent the general public.

(b) The following nonvoting members, appointed by the Governor:

(1) A representative of the Public Utilities Commission of Nevada; and

(2) A representative of the Bureau of Consumer Protection in the Office of the Attorney General.

Sec. 32. 1. *The Task Force shall meet at least two times each year at the call of the Chair.*

2. *The Chair may appoint working groups, chaired by one or more members of the Task Force and composed of persons with subject matter expertise, to aid in the work of the Task Force.*

3. *The Chair may issue guidelines for the operation of the Task Force and amend those guidelines as needed for the management and governance of the Task Force. The Chair shall identify and approve the scope of work and issues to be addressed by the Task Force and any working group.*

4. *A majority of the voting members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.*

5. *The members of the Task Force serve at the pleasure of the Governor.*

6. *The members of the Task Force serve without compensation.*

Sec. 33. 1. *The Task Force shall advise the Governor and the Legislature on:*

(a) *The potential costs and benefits to transmission providers and their customers in this State of forming or joining a regional transmission organization which provides access to an organized competitive regional wholesale electricity market;*

(b) *Policies that will accommodate entrance by transmission providers in this State into a regional transmission organization by January 1, 2030;*

(c) *Policies that will site transmission facilities necessary to achieve this State's clean energy and economic development goals;*

(d) *Potential areas in this State where growth in demand for electricity or growth in renewable energy generation would be accommodated by additional transmission or regional market opportunities; and*

(e) *Businesses and industries that could locate in this State as a result of this State's position in an organized competitive regional wholesale electricity market.*

2. *The Task Force shall, not later than November 30, 2022, and every 2 years thereafter, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on its activities, including any recommended legislation needed to enable entrance by transmission providers in this State into a regional transmission organization.*

Sec. 34. 1. *The Office of Energy shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 31 to 34, inclusive, of this act.*

2. *To aid and inform the Task Force in carrying out its duties pursuant to section 33 of this act, the Commission, in consultation with the Task Force, may engage a knowledgeable and independent third party to analyze all factors deemed necessary to assess the potential costs and benefits to transmission providers and their customers of forming or joining a regional transmission organization.*

Sec. 35. *Except as otherwise provided in this chapter, when the Commission reviews an application to make changes in any schedule, there is no presumption that any recorded expenses, investments or other costs included in the application were prudently incurred, unless the Commission has previously determined that such expenses, investments or other costs were prudently incurred. The public utility has the burden of proving that an expense, investment or cost was reasonably and prudently incurred.*

Sec. 36. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to \$25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. *Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:*

- (a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;*
- (b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and*
- (c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.*

11. *Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:*

- (a) Located on the premises of another person;*
- (b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and*
- (c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.*

↪ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

~~{11.}~~ 12. *Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.*

~~{12.}~~ 13. *Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.*

Sec. 37. NRS 704.061 is hereby amended to read as follows:

704.061 As used in NRS 704.061 to 704.110, inclusive, *and section 35 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.

Sec. 38. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, *and section 14 of this act*, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

- (a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed \$15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➔ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds \$15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized

representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds \$50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

↪ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 39. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~{6}~~ 5 as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than ~~{5}~~ 10 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency ~~[and conservation programs directed to low income]~~ measures for customers of the electric utility ~~{ }~~ in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon ~~{intensity}~~ dioxide emissions that ~~{includes}~~ :

(1) *Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;*

(2) *Includes the deployment of distributed generation ~~{ }~~ ; and*

(3) *If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon*

dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. ~~{The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.~~

~~—5.}~~ The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

~~{6.}~~ (f) *Include a transportation electrification plan as required by section 14 of this act.*

5. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible

customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

- (a) A forecast of the load growth of the utility or utilities;
- (b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;
- (c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;
- (d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and
- (e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~{7}~~ 6. The annual limits proposed pursuant to subsection ~~{6}~~ 5 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

- (a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and
- (b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

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

(a) ~~["Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~{b}~~ "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

~~{c}~~ (b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

~~{d}~~ (c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

~~{e}~~ (d) "Energy" has the meaning ascribed to it in NRS 704B.090.

~~{f}~~ (e) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.

~~{g}~~ (f) "Low-income household" has the meaning ascribed to it in section 13 of this act.

~~{h}~~ (g) (h) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

~~{i}~~ (h) (i) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

~~{j}~~ (i) (j) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

~~{(i) (4)}~~ (j) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 40. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

↳ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~6~~ 5 of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. *In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to section 14 of this act, the Commission shall consider:*

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

(1) Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;

(2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

(3) Reduce greenhouse gas emissions and air pollution;

(4) Improve air quality in communities most affected by air pollution from the transportation sector;

(5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

(6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

(7) Foster the investment of private capital in transportation electrification, as defined in section 14 of this act, and the demand for skilled jobs in related services; and

(8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

Sec. 41. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

↪ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any

petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

↪ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than ~~5~~ 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency ~~and conservation programs for low-income~~ measures for customers of the utility or utilities ~~in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.~~

6. The Commission may accept ~~the~~

~~(a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility or utilities meeting the portfolio standard, as defined in NRS 704.7805.~~

~~—(b) A~~ a distributed resources plan submitted pursuant to subsection ~~{5}~~ 4 of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.

7. ~~{The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.~~

~~—8.}~~ Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. *The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of section 21 of this act and includes the evaluations required by subsection 4 of section 21 of this act.*

9. *As used in this section:*

(a) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.

(b) "Low-income household" has the meaning ascribed to it in section 13 of this act.

Sec. 42. NRS 704.7591 is hereby amended to read as follows:

704.7591 1. An electric utility may dispose of its generation assets pursuant to a merger, acquisition or transaction that is authorized pursuant to NRS 704.329 or pursuant to a transfer of its certificate of public convenience and necessity that is authorized pursuant to NRS 704.410, if:

(a) The electric utility disposes of substantially all of its generation assets and substantially all of its other assets to the other person in the merger, acquisition, transaction or transfer; and

~~(b) The [other person in the merger, acquisition, transaction or transfer is not a subsidiary or affiliate of the electric utility or a holding company or other person that holds a controlling interest in the electric utility.] Commission approves of the disposal of the generation assets in an order issued pursuant to NRS 704.7588.~~

2. Any person who assumes or has assumed ownership, possession, control, operation, administration or maintenance of a generation asset pursuant to a merger, acquisition, transaction or transfer described in subsection 1 is subject to the provisions of NRS 704.7561 to 704.7595, inclusive.

Sec. 43. NRS 704.783 is hereby amended to read as follows:

704.783 As used in NRS 704.783 to 704.7836, inclusive, *and sections 12 and 13 of this act*, unless the context otherwise requires, the words

and terms defined in NRS 704.7831 to 704.7834, inclusive, *and sections 12 and 13 of this act* have the meanings ascribed to them in those sections.

Sec. 44. NRS 704.7836 is hereby amended to read as follows:

704.7836 1. The Commission shall establish by regulation for each electric utility goals for energy savings resulting from energy efficiency programs implemented by the electric utility each year, which must be included in the resource plan filed by the electric utility pursuant to NRS 704.741.

2. The Commission may:

(a) Modify a goal for energy savings it has previously established for an electric utility.

(b) Upon receipt of a petition submitted by an electric utility, temporarily lower a goal for energy savings it has previously established for the electric utility if the electric utility demonstrates that economic reasons which are not reasonably within the control of the electric utility will prevent the electric utility from meeting the goal for energy savings established pursuant to subsection 1.

3. Upon establishment or modification by the Commission of a goal for energy savings for an electric utility pursuant to this section, the affected electric utility may file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate the goal for energy savings into the resource plan.

4. Each electric utility shall develop and include in its most recent resource plan filed pursuant to NRS 704.741 an energy efficiency plan that:

(a) Is designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section;

(b) Includes one or more energy efficiency programs; and

(c) Is cost effective.

5. In approving an energy efficiency plan developed by an electric utility to meet the goals for energy savings established by the Commission pursuant to this section, the Commission shall approve an energy efficiency plan that is:

(a) Designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section; and

(b) Cost effective.

6. The Commission may approve an energy efficiency plan submitted pursuant to NRS 704.741 that consists of energy efficiency and conservation programs that are not cost effective if the Commission determines that the energy efficiency plan as a whole is cost effective.

7. Unless the Commission determines that it is not cost effective, any energy efficiency plan approved by the Commission must provide that not less than ~~5~~ 10 percent of the total expenditures related to energy efficiency programs must be ~~directed to~~ *spent on* energy efficiency ~~programs~~ *measures* for ~~low-income~~ customers of the electric utility ~~in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs~~

directed at residential customers and public schools in general. For the purposes of this subsection, programs that can offer variable incentive levels must offer higher incentive levels for low-income households.

Sec. 45. NRS 704.788 is hereby amended to read as follows:

704.788 The Office of Economic Development shall not accept an application or give initial approval to any applicant for participation in the Program, and the Commission shall not approve an applicant for participation in the Program, after the earlier of December 31, ~~{2017,}~~ 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated.

Sec. 46. NRS 704.7881 is hereby amended to read as follows:

704.7881 The Commission, in consultation with the Office of Economic Development:

1. Shall adopt regulations:

(a) Establishing the discounted electric rates that may be charged by an electric utility pursuant to the Program, which must be established as a percentage of the base tariff energy rate and for which:

(1) In the first and second year of a contract entered into pursuant to NRS 704.7877, ~~{the reduction in the rates as a result of the}~~ *there shall be no discount ~~{must not exceed 30 percent}~~* of the base tariff energy rate;

(2) In the third ~~{,}~~ and fourth ~~{, fifth and sixth}~~ year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~{20}~~ 30 percent of the base tariff energy rate; ~~and~~

(3) In the *fifth, sixth, seventh and eighth* year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~{10}~~ 20 percent of the base tariff energy rate; *and*

(4) *In the ninth and tenth year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed 10 percent of the base tariff energy rate;*

(b) Prescribing the form and content of the contract entered into pursuant to NRS 704.7877;

(c) Prescribing the procedure by which an electric utility is authorized to recover through a deferred energy accounting adjustment application the amount of the discount provided to a participant in the Program; and

(d) Prescribing any additional information which must be submitted by an applicant for participation in the Program.

2. May adopt any other regulations it determines are necessary to carry out the provisions of NRS 704.7871 to 704.7882, inclusive.

Sec. 47. NRS 704.7882 is hereby amended to read as follows:

704.7882 The Commission shall, on or before December 31, ~~{2014,}~~ 2022, prepare a written report concerning the Program and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the ~~{78th}~~ 82nd Session of the Legislature. The report must include, without limitation, information concerning:

1. The number of participants in the Program;

2. The amount of electricity allocated pursuant to the Program;
 3. The total amount of the discounts provided pursuant to the Program;
- and
4. The remaining amount of electricity available for allocation pursuant to the Program.

Sec. 48. NRS 704B.310 is hereby amended to read as follows:

704B.310 1. An eligible customer shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:

(a) The eligible customer files an application with the Commission between January 2 and February 1 of any year and not later than 280 days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider;

(b) The Commission approves the application by a written order issued in accordance with the provisions of this section; and

(c) The provider holds a valid license.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) Specific information demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) Specific information concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction, the point of receipt of the energy, capacity or ancillary services and the amount of energy, capacity or ancillary services to be purchased from the provider;

(d) Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and

(e) Any other information required pursuant to the regulations adopted by the Commission.

3. The Commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.

4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.

5. The Commission shall not approve the application of the eligible customer unless the Commission finds that the proposed transaction:

(a) Will be in the public interest; and

(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to this section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.

6. In determining whether the proposed transaction will be in the public interest, the Commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will experience increased costs as a result of the proposed transaction;

(b) Whether any remaining customer of the electric utility will pay increased costs for electric service or forgo the benefit of a reduction of costs for electric service as a result of the proposed transaction; and

(c) Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers.

7. If the Commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 280 days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and

(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed transaction will be in the public interest. Except as otherwise provided in subsection 8, such terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;

(2) Must include, without limitation:

(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and

(II) Payment by the eligible customer, or the provider of new electric resources, as applicable, of the annual assessment and any other tax, fee or assessment required by NRS 704B.360;

(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and

(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as

deviations from least-cost resource planning pursuant to the laws of this State including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, ~~701B.670,~~ 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, 704.7865, 704.7983 and 704.7985.

8. An eligible customer who:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service,

↪ is required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.

9. If the Commission does not enter a final order on the application of the eligible customer within 210 days after the date on which the application was filed with the Commission, the application shall be deemed to be denied by the Commission.

Sec. 49. 1. An electric utility in this State shall, on or before September 1, 2021, file with the Public Utilities Commission of Nevada a plan to accelerate transportation electrification in this State for the period beginning January 1, 2022, and ending on December 31, 2024. The plan filed for this period must be designed to provide the greatest economic recovery benefits and opportunities for the creation of new jobs in this State.

2. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan pursuant to this section. The joint plan must include a plan for investments to accelerate transportation electrification in an amount not to exceed \$100,000,000.

3. A plan filed pursuant to this section must include a plan to invest in the following programs:

(a) An Interstate Corridor Charging Depot Program, whereby the electric utility shall supplement the work of the Office of Energy, the Department of Transportation and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in Phase I and Phase II of the Nevada Electric Highway project to increase the availability of public electric vehicle charging infrastructure along Nevada's highways in the service territory of the electric utility and to support electric vehicle tourism traffic to Las Vegas, the Reno-Tahoe area and across the State. The plan must set forth the intended scope and general location for each proposed charging depot. The Interstate Corridor Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers and level 2 chargers, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(b) An Urban Charging Depot Program aimed at providing increased access to public electric vehicle charging infrastructure in metropolitan areas of this State, particularly for customers who are unable to charge vehicles at their home or business. The Urban Charging Depot Program must also be designed to address the needs of tourists, delivery services and businesses that require access to public charging for fleet electrification. The plan must set forth the intended scope and general location for each proposed charging depot. The Urban Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers, level 2 chargers and, where relevant, charging for shared mobility services, including, without limitation, electric scooters and bicycles, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(c) A Public Agency Electric Vehicle Charging Program to serve the public, workplace and fleet electric charging needs of federal, state and local governmental agencies by reducing the financial barrier for the deployment of electric vehicle charging infrastructure for governmental agencies. The electric utility shall set forth in the plan specific targets and allocations for level 2 electric vehicle charging infrastructure, which must be developed in coordination with the Department of Administration, the State Department of Conservation and Natural Resources, the Department of Transportation and the Office of Energy with the aim of maximizing the Program's effectiveness and utilization. An electric vehicle charging station which is installed under the Program may be owned by a public agency, the electric utility or a third-party provider.

(d) A Transit, School Bus and Transportation Electrification Custom Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of transit agencies, metropolitan planning organizations, the Department of Transportation, public school districts and nongovernmental commercial customers in this State. The electric utility shall not allow a nongovernmental commercial customer to participate in the Transit, School Bus and Transportation Electrification Custom Program unless, as a condition of participation, the nongovernmental commercial customer electrifies more than 50 company vehicles or more than 25 percent of its fleet, and satisfies such additional qualifications as the electric utility may establish. As part of the Transit, School Bus and Transportation Electrification Custom Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

(e) An Outdoor Recreation and Tourism Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of the tourism and outdoor recreation economy of this State. Eligibility for any customer ~~(participation)~~ incentives in the Outdoor Recreation and Tourism Program must be offered by the electric utility on a nondiscriminatory basis to both the utility's bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase electricity from a provider of new electric resources, as defined in NRS 704B.130. As part of the Outdoor Recreation and Tourism Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

4. The plan filed pursuant to this section must include any proposed schedules necessary to implement the programs set forth in subsection 3.

5. Not less than:

(a) Forty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments made in or for the benefit of historically underserved communities.

(b) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments in the Outdoor Recreation and Tourism Program pursuant to paragraph (e) of subsection 3.

6. An electric utility shall submit to the Commission any program, software, contract or other instrument that may be used for the billing, control, operation or maintenance of the public and private chargers installed under a plan filed pursuant to this section. The prudent and reasonable expenditures made by the electric utility to evaluate the need for any program, software, contract or other instrument to facilitate the billing, control, operation or maintenance of the public and private chargers installed under the plan may be recovered by the utility through rates charged to the customers of the utility.

7. Any electric vehicle charging infrastructure that is installed as part of a plan which is accepted by the Commission pursuant to this section and which is not installed by employees of the electric utility must be installed by a contractor who holds a valid license in the classification required to perform such work issued by the State Contractors' Board pursuant to regulations adopted by the Board and at least one electrician holding a certification from the Electric Vehicle Infrastructure Training Program.

8. Not later than 90 days after a plan is filed pursuant to subsection 1, the Commission shall issue an order accepting or modifying the plan. If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 10 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

9. If the Commission fails to enter a final order on a plan filed pursuant to subsection 1 within 90 days after the date on which the plan was filed, the plan shall be deemed to be accepted.

10. Not later than 60 days after the Commission issues an order accepting or modifying a plan, or a plan is deemed accepted pursuant to subsection 9, the electric utility shall file with the Commission any schedules necessary to implement the rate designs and programs approved in the plan. Any tariff filing made pursuant to this section is not subject to the provisions of NRS 704.100.

11. Acceptance by the Commission of a plan submitted pursuant to this section constitutes a finding that the investments contained in the plan, including, without limitation, any proposed incentives to be provided to customers, are prudent and that the utility may recover from the rates charged to the utility's customers all costs that the utility prudently and reasonably incurs to operate, maintain, develop and implement the plan, including, without limitation, any costs associated with acquiring the right to use and develop private or public land. ~~Notwithstanding the provisions of NRS 704.100, as amended by section 38 of this act, an~~ An electric utility may recover the costs that it prudently and reasonably incurs as follows:

(a) The electric utility shall begin recording in a regulatory asset, with carrying charges, an amount that reflects the electric utility's investment in facilities under the plan, including, without limitation:

- (1) Any incentives provided to customers;
- (2) The electric utility's authorized rate of return;
- (3) Any depreciation of the utility's investment in the facilities; and
- (4) The cost of operating and maintaining the facilities.

(b) Carrying charges shall not accrue for any month in which the electric utility earns in excess of its last authorized rate of return. For the purposes of this paragraph, the electric utility's earned rate of return must be calculated quarterly using the 12-month period ending with the last month of the quarter and will apply to the carrying charge calculation in each month of that quarter.

(c) An electric utility shall include a rate to recover all prudent and reasonable expenditures made by the electric utility to develop and implement the plan, including, without limitation, the electric utility's authorized rate of return, in the electric utility's general rate application filed pursuant to NRS 704.110. The rate must be charged to all of the customers in the service territory of the electric utility in which the plan assets reside and reflect all costs incurred in the electric utility's service territory.

12. As used in this section:

- (a) "Electric utility" has the meaning ascribed to it in section 14 of this act.
- (b) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.
- (c) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 50. 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. 51. 1. A resource plan filed by an electric utility pursuant to NRS 704.741, as amended by section 39 of this act, on or before June 1, 2021, is not required to include, at the time the plan is filed, the transportation electrification plan required by section 14 of this act and NRS 704.741, as amended by section 39 of this act.

2. An electric utility shall, on or before September 1, 2022, file an amendment to its most recent resource plan filed pursuant to NRS 704.741, as amended by section 39 of this act, to incorporate into the resource plan a transportation electrification plan that complies with the provisions of section 14 of this act.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 52. The amendatory provisions of section 48 of this act do not apply to an order issued by the Public Utilities Commission of Nevada pursuant to NRS 704B.310 before July 1, 2023.

Sec. 53. The amendatory provisions of section 46 of this act do not apply to a contract entered into before the effective date of section 46 of this act.

Sec. 54. 1. An electric utility in this State shall, on or before July 1, 2022, file with the Public Utilities Commission of Nevada an amendment to its most recently filed energy efficiency plan filed pursuant to NRS 704.7836 to ensure the energy efficiency plan complies with the amendatory provisions of ~~section~~ sections 39 and 44 of this act.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 55. NRS 701.090, 701.500, 701.505, 701.510 and 701.515 are hereby repealed.

Sec. 56. NRS 701B.670 is hereby repealed.

Sec. 57. 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. 58. 1. This section and sections 1 to 8, inclusive, 11 to 47, inclusive, 49 to 55, inclusive, and 57 of this act become effective upon passage and approval.

2. Section 10 of this act becomes effective on January 1, 2023, and expires by limitation on June 30, 2023.

3. Sections 9, 48 and 56 of this act become effective on July 1, 2023.

4. Section 9 of this act expires by limitation on December 31, 2025.

5. Sections 27 and 31 to 34, inclusive, of this act expire by limitation on December 31, 2031.

6. Sections 3 to 8, inclusive, of this act expire by limitation on June 30, 2049.

7. Sections 45, 46 and 47 of this act expire by limitation on the date on which the last contract entered into pursuant to the Program, as defined in NRS 704.7874, terminates, whether termination is by expiration of the terms of the contract or otherwise.

LEADLINES OF REPEALED SECTIONS

701.090 "Task Force" defined.

701.500 Creation; membership.

701.505 Chair; meetings; regulations; quorum; terms; members serve without compensation.

701.510 Powers and duties.

701.515 Support and assistance to be provided by Director.

701B.670 Legislative findings and declarations; creation of Program; regulations; payment of incentives; purchase of electric service based on time of usage; promotion of electric vehicle infrastructure; review and approval by Commission of annual plans from utilities; recovery of costs by utility.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 731 makes four changes to Senate Bill No. 448. First, it requires an electric utility to hold quarterly meetings with certain agencies and other stakeholders during the 9 months prior to submittal of the first transportation-electrification-acceleration plan and during the 12 months prior to submittal of subsequent plans. Second, it revises two of the factors to be evaluated in connection with the submittal of the high-voltage transmission infrastructure plans to the PUCN. Third, it adds two legislative members from the Minority Party, one Senator and one Assembly member, to the Regional Transmission Coordination Task Force. Finally, it makes conforming changes and minor language revisions to sections addressing energy-efficiency plans and transportation-electrification plans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Harris moved that the bill be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Assembly Bill No. 45.

Bill read second time.

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

Amendment No. 706.

AN ACT relating to insurance; revising provisions relating to bonds filed by various persons regulated by the Commissioner of Insurance; revising provisions governing service of process on certain entities; revising provisions governing reinsurance; revising provisions governing the issuance, renewal and expiration of various licenses, permits, certificates of registration and other authorizations to engage in an activity relating to insurance; revising provisions relating to fees paid by various persons regulated by the

Commissioner; revising requirements for holding companies; setting forth requirements relating to certain policies of stop-loss insurance; revising provisions governing coverage for maternity care and pediatric care; revising provisions governing misleading advertisements by certain persons regulated by the Commissioner; revising provisions governing annual disclosures and submission of form letters by certain persons regulated by the Commissioner; revising requirements relating to captive insurers and risk retention groups; revising requirements relating to investments by various persons regulated by the Commissioner; revising requirements relating to examinations and investigations of various persons regulated by the Commissioner; revising provisions governing the applicability of laws to various persons regulated by the Commissioner; providing temporary requirements applicable to associations of self-insured private employers; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120, 679B.130) This bill adds to, revises and repeals various provisions of existing law relating to the regulation of insurance, primarily in title 57 of NRS.

Existing law requires a bond to be filed under certain circumstances by various persons regulated by the Commissioner. (NRS 692A.1041) Section 3 of this bill sets forth requirements for, and procedures relating to, such bonds. Section 49 of this bill indicates the placement of section 3 within chapter 679B of NRS.

Existing law requires a health carrier to submit to the Commissioner copies of certain form letters used by the health carrier. (NRS 679B.124) Section 3.2 of this bill revises the requirements concerning submission of the letters.

Existing law provides for service of process on certain insurers by serving the Commissioner. (NRS 680A.260) Sections 3.5, 4, 13.5, 20.5, 60.5 and 78.5 of this bill revise the procedure for such service of process.

Existing law sets forth various fees applicable to persons and entities regulated by the Commissioner. (NRS 680B.010) Section 5 of this bill adds fees relating to agents who perform utilization reviews, motor clubs, motor club agents, title plant companies and service contract providers. Sections 14, 51, 56, 72 and 73 of this bill delete the same fees from the sections of the individual chapters which govern those specific persons and entities but the fees all remain unchanged.

Existing law sets forth requirements for reinsurers and reinsurance. (NRS 681A.110-681A.580) Sections 6.05 to 6.96 of this bill revise those requirements and add new requirements in accordance with new and revised guidance from the National Association of Insurance Commissioners.

Existing law requires a bond to be filed by a manager for reinsurance. (NRS 681A.420) Section 7 of this bill provides that the bond must meet the requirements set forth in section 3.

Existing law defines the term "equity interest" for the purposes of regulating investments by insurers. (NRS 682A.069) Section 8 of this bill revises the definition to limit the instruments which qualify as equity interests.

Existing law provides that a certificate of registration as an administrator is valid for 3 years. (NRS 683A.08526) Section 9 of this bill specifies the day on which the certificate expires after it is originally issued and after it is renewed. Existing law requires a bond to be filed by an administrator, a fraternal benefit society, an organization for dental care or its officers, a bail agent, a bail solicitor and a general agent. (NRS 683A.0857, 695A.060, 695D.180, 697.190) Sections 10, 60, 64 and 74 of this bill revise the requirements relating to the bond and provide that the bond must meet the requirements set forth in section 3.

Existing law provides for the licensure of managing general agents. (NRS 683A.140, 683A.160) Section 11 of this bill revises requirements for licensure as a managing general agent. Section 12 of this bill adds requirements relating to: (1) the renewal of a license as a managing general agent; (2) the information included on the license; and (3) a change in a licensee's business, residence or electronic mail address.

Existing law provides for the licensure of producers of insurance. (NRS 683A.261) Section 13 of this bill revises the requirements relating to the renewal and reinstatement of a license as a producer of insurance.

Existing law provides for the renewal of a license as an insurance consultant. (NRS 683C.040) Section 15 of this bill revises the requirements and adds requirements relating to: (1) the reinstatement of an expired license; (2) the information included on the license; and (3) a change in a licensee's business, residence or electronic mail address.

Existing law provides for the renewal of a license as an adjuster, a motor vehicle physical damage appraiser, a surplus lines broker, a bail agent, a bail enforcement agent, a bail solicitor and a general agent. (NRS 684A.130, 684B.080, 685A.120, 697.230) Sections 16, 19, 20 and 75 of this bill specify the day on which the license expires after it is originally issued and after it is renewed.

Existing law provides for the licensure of motor vehicle physical damage appraisers and requires a bond to be filed by a motor vehicle physical damage appraiser. (NRS 684B.020, 684B.030) Section 17 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3. Existing law provides that the fees paid by an applicant for a license as a motor vehicle physical damage appraiser must be refunded to the applicant if the application is refused. (NRS 684B.060) Section 18 of this bill makes these fees nonrefundable.

Existing law requires a bond to be filed by a company which finances certain insurance premiums. (NRS 686A.330, 686A.360) Section 21 of this bill

revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law sets forth specific requirements for various types of insurance policies and contracts and the insurers who issue them. (Chapter 687B of NRS) Sections 22-35 of this bill set forth new provisions to govern certain policies of stop-loss insurance. Section 32 of this bill requires insurers who issue the policies of stop-loss insurance to report to the Commissioner the premiums written in this State for such policies. Section 33 of this bill requires an insurer who issues a policy of stop-loss insurance relating to a group health plan to exercise reasonable diligence with regard to the legitimacy of and authority for the group health plan before issuing the policy. Sections 34 and 35 of this bill: (1) require advance filing with the Commissioner of the policy forms for certain policies of stop-loss insurance, as well as advance approval from the Commissioner for the policy forms; and (2) set forth specific requirements for the contents of the policy forms.

Existing law requires a bond or other security to be provided by a viatical settlement investment agent, a broker of viatical settlements, a provider of viatical settlements or a person who obtains a seller's certificate of authority to sell prepaid contracts for funeral services. (NRS 688C.200, 689.125, 689.150, 689.185) Sections 36 and 37 of this bill revise the requirements relating to the bond and provide that the bond must meet the requirements set forth in section 3.

Existing law provides for the renewal of an agent's license to solicit the sale of prepaid contracts for funeral services. (NRS 689.035, 689.150, 689.255) Section 38 of this bill specifies the day on which the license expires after it is originally issued and after it is renewed.

Existing law requires a bond or other security to be provided by a person who obtains a seller's permit to sell prepaid contracts for burial services and burial merchandise. (NRS 689.125, 689.455, 689.460, 689.475, 689.495) Section 39 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law provides for the renewal of a seller's permit to sell prepaid contracts for burial services and burial merchandise. (NRS 689.125, 689.455, 689.460, 689.475, 689.505) Section 40 of this bill specifies the day on which the permit expires after it is originally issued and after it is renewed.

Existing law provides for the renewal of an agent's license to solicit the sale of prepaid contracts for burial services and burial merchandise. (NRS 689.035, 689.455, 689.460, 689.475, 689.530) Section 41 of this bill specifies the day on which the license expires after it is originally issued and after it is renewed.

Existing law sets forth certain requirements concerning insurance coverage for maternity care and pediatric care in the context of individual health insurance, group and blanket health insurance and health insurance for small employers. (NRS 689A.717, 689B.520, 689C.194) Sections 42-44 of this bill revise the language in these existing provisions to be inclusive of different maternity circumstances.

Existing law requires a bond or other security to be provided by a group of persons who obtains a certificate of registration as a voluntary purchasing group. (NRS 689C.560) Section 45 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law provides for the renewal of a license as an escrow officer. (NRS 692A.103) Section 54 of this bill revises these requirements and adds requirements relating to: (1) the information included on the license; and (2) a change in a licensee's business, residence or electronic mail address.

Existing law requires a bond or other security to be provided by a title agent and a title insurer as a condition of doing business. (NRS 692A.1041) Section 55 of this bill revises the requirements relating to the bond and provides that the bond must meet the requirements set forth in section 3.

Existing law sets forth requirements governing holding companies. (Chapter 692C of NRS) Sections 56.10 to 56.55 and section 57.5 of this bill revise those requirements as with regard to capital requirements and calculations, liquidity stress tests and confidentiality of information.

Existing law requires each insurer or group of insurers each year to submit to the Commissioner a corporate governance annual disclosure containing certain information required by the Commissioner. (NRS 692C.3504) Section 57 of this bill requires each insurer or insurance group, after the first such submission, to submit an amended version of the previous year's disclosure which shows the changes made for the current year.

Existing law governs captive insurers. (Chapter 694C of NRS) Under existing law, a licensed captive insurer may apply for and be issued a certificate of dormancy. (NRS 694C.259) Section 58 of this bill revises provisions governing: (1) qualifications needed for a certificate of dormancy; (2) the applicability of certain requirements to a dormant captive insurer; (3) renewal and expiration of a certificate of dormancy; and (4) requirements applicable to a captive insurer whose certificate of dormancy expires. Existing law also sets forth requirements for a captive insurer to transact business. (NRS 694C.310) Section 59 of this bill revises those requirements, including, without limitation, by providing for periodic reviews of persons who manage the affairs of a captive insurer.

Existing law governs nonprofit hospital and medical or dental service corporations. (Chapter 695B of NRS) Section 61 of this bill expands the list of the provisions of law to which nonprofit hospital and medical or dental service corporations are expressly made subject.

Existing law governs health maintenance organizations. (Chapter 695C of NRS) Section 62 of this bill expands the list of the provisions of law to which health maintenance organizations are expressly made subject.

Existing law governs organizations for dental care. (Chapter 695D of NRS) Section 63 of this bill expands the list of the provisions of law to which organizations for dental care are expressly made subject.

Existing law governs risk retention groups. (Chapter 695E of NRS) Under existing law a risk retention group chartered in a state other than this State must comply with certain requirements before seeking to transact insurance as a risk retention group in this State. (NRS 695E.140) Section 65 of this bill clarifies that such a risk retention group must comply with the existing statutory requirements including, without limitation, that the risk retention group must: (1) submit a statement of registration; and (2) pay any fees associated with the statement of registration. Section 66 of this bill expands the list of the provisions of law to which risk retention groups and their agents and representatives are expressly made subject.

Existing law governs prepaid limited health service organizations. (Chapter 695F of NRS) Section 67 of this bill expands the list of the provisions of law to which prepaid limited health service organizations are expressly made subject. Section 68 of this bill changes which provisions of law govern certain investments by prepaid limited health service organizations. Section 69 of this bill revises provisions governing examinations and investigations of prepaid limited health service organizations.

Existing law provides for the renewal of a certificate as an exchange enrollment facilitator. (NRS 695J.140) Section 70 of this bill revises the requirements for renewal.

Existing law requires a bond or other security to be provided by a person who renders or agrees to render motor club services. (NRS 696A.080) Section 71 of this bill requires that the bond must meet the requirements set forth in section 3.

Existing law provides for the licensure of a club agent for a motor club. (NRS 696A.300) Section 73 of this bill specifies the day on which the license expires after it is originally issued and after it is renewed.

Existing law requires a bond or other security to be provided by a self-insured employer for the purposes of the statutes governing industrial insurance. (NRS 616A.305, 616B.300) Section 78 of this bill deletes requirements relating to termination of the bond. These existing provisions are subsumed within the new provisions in section 3 governing bonds.

Existing law requires a bond or other security to be provided by an association of self-insured public or private employers for the purposes of the statutes governing industrial insurance. (NRS 616A.050, 616A.055, 616B.353) Section 79 of this bill revises requirements relating to termination of the bond.

In addition to complying with certain requirements applicable to associations of self-insured public or private employers, existing law requires an association of self-insured private employers to satisfy certain fiscal requirements. Specifically, existing law requires an association of self-insured private employers to: (1) at the time of initial qualification to be an association of self-insured employers and for the first 3 years of its successful operation, have a combined tangible net worth of all members in the association of at least \$2,500,000; or (2) after 3 years of successful operation as a qualified

association of self-insured private employers, have combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association equal to five times the average of claims paid for each of the last 3 years or \$7,500,000, whichever is less. In lieu of satisfying these fiscal requirements, existing law authorizes the association or its members to deposit with the Commissioner of Insurance a solvency bond in an aggregate amount of at least \$2,500,000. (NRS 616B.353) Section 85.5 of this bill revises these fiscal requirements until June 30, 2023. Specifically, section 85.5: (1) provides that until June 30, 2023, an association of self-insured private employers is deemed to be in compliance with these fiscal requirements if and only if the association complies with the requirement that the association has a combined tangible net worth of all members in the association of at least \$2,500,000; and (2) retains the ability of an association to obtain a solvency bond in lieu of the tangible net worth requirement and the authority of the Commissioner to adjust the amount of any such bond.

Section 86 of this bill repeals existing law governing the cancellation of bonds of title agents and title insurers. These existing provisions are subsumed within the new provisions in section 3 governing bonds. Section 86 also repeals existing law specifically governing investments by prepaid limited health service organizations. These existing provisions are replaced by revisions made in sections 67 and 68, which address such investments.

Section 87 of this bill provides various effective dates and expiration dates for different sections of this bill.

NEW section 85.5 of Assembly Bill No. 45 First Reprint is hereby added as follows:

Sec. 85.5. 1. Notwithstanding any provision of subsection 2 of NRS 616B.353 to the contrary, and except as otherwise provided by subsections 3 and 6 of NRS 616B.353, an association of self-insured private employers shall be deemed to be in compliance with the requirements of subsection 2 of NRS 616B.353 if and only if the association of self-insured private employers has a combined tangible net worth of all members in the association of at least \$2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant.

2. This section applies to every association of self-insured private employers from the effective date of this section through June 30, 2023.

3. As used in this section, "association of self-insured private employers" has the meaning ascribed to it in NRS 616A.050.

Section 87 of Assembly Bill No. 45 First Reprint is hereby amended as follows:

Sec. 87. 1. This section ~~becomes~~ and section 85.5 of this act become effective upon passage and approval.

2. Section 13 of this act becomes effective on July 1, 2021.

3. Sections 1, 3 to 5, inclusive, 6.05 to 12, inclusive, 14 to 45, inclusive, 54 to 75, inclusive, 78, 78.5, 79 and 86 become effective on October 1, 2021.

4. Section 85.5 of this act expires by limitation on June 30, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 706 to Assembly Bill No. 45 adds a new transitory section to allow an association of self-insured private employers be deemed to be in compliance with the requirements of subsection 2 of NRS 616B.353, if the association meets certain requirements.

Amendment adopted.

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

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 658.

SUMMARY—Revises various provisions relating to real property.
(BDR 10-22)

AN ACT relating to real property; establishing a process for the ~~[Commission for Common Interest Communities and Condominium Hotels]~~ Real Estate Division of the Department of Business and Industry to investigate complaints alleging violations of provisions governing certain fees which may be imposed or charged by a unit-owners' association for a common-interest community; revising provisions pertaining to the applicability of certain provisions of law governing the creation, alteration and termination of common-interest communities; prohibiting a unit-owners' association from imposing or charging certain fees other than or in excess of those that the association is expressly authorized or required by statute to impose or charge; increasing the cost of a demand or intent to lien letter; revising provisions relating to the exemption from providing certain information in the case of certain dispositions of a unit in a common-interest community; requiring certain notice to be provided for a foreclosure sale; revising provisions relating to the sale of real property consisting of several lots or parcels; revising provisions regarding the ascertainment of title of real property to be partitioned; making certain technical changes and removing certain obsolete provisions; revising provisions concerning instruments that subordinate or waive priority of a mortgage or deed of trust of, lien upon or interest in real property; revising provisions relating to certain liens on real property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a unit-owners' association for a common-interest community to charge certain fees for opening or closing a file relating to a unit and preparing a certificate containing certain information which is required to be provided by a unit's owner or his or her authorized agent to a purchaser in a resale package. (NRS 116.3102, 116.4109) Section 5.5 of this bill: (1) provides for an inflationary adjustment of the maximum amount of the fee that may be imposed for opening or closing a file relating to a unit; and (2) prohibits the imposition of a fee for those services other than or in excess of the

~~enumerated~~ authorized fees. Section 7.2 of this bill: (1) establishes a statutory maximum fee which may be charged for a certificate containing certain information which is required in a resale package; and (2) prohibits the imposition of a fee for providing such a certificate or related services other than or in excess of the ~~enumerated~~ authorized fees. Section 1.5 of this bill establishes a process for the ~~[Commission for Common-Interest Communities and Condominium Hotels]~~ Real Estate Division of the Department of Business and Industry to investigate complaints alleging violations of the fee provisions and imposes administrative fines for such violations. Sections 7.4-7.8 of this bill make conforming changes to indicate the placement of section 1.5 within the Nevada Revised Statutes.

Existing law provides that chapter 116 of NRS, which pertains to common-interest ownership, generally applies to all common-interest communities created within this State, however the provisions of chapter 116 of NRS do not require a common-interest community created before January 1, 1992, to comply with certain provisions governing the creation, alteration and termination of common-interest communities. (NRS 116.1201) Existing law also provides that the provisions of chapter 116 of NRS do not apply to nonresidential condominiums or nonresidential planned communities except in certain circumstances, including when the declaration of such a condominium or planned community provides that only certain provisions governing the creation, alteration and termination of common-interest communities and certain other provisions apply to the condominium or planned community. (NRS 116.12075, 116.12077) Sections 2, 4 and 5 of this bill revise such provisions to include a reference to all provisions governing the creation, alteration and termination of common-interest communities.

Existing law authorizes a unit's owner, his or her authorized agent or the holder of a security interest on the unit to request a statement of demand from an association, which the association is required to provide not later than 10 days after receipt of the request. Existing law authorizes an association to charge a fee of not more than \$165 to prepare and provide such a statement. (NRS 116.4109) Existing law also provides that, with regard to enforcing an association's lien against a unit, the cost for a demand or intent to lien letter must not exceed \$150. (NRS 116.3116) Section 6 of this bill increases such an amount to \$165 to conform with the amount an association is authorized to charge to prepare and provide a statement of demand.

Existing law generally requires a unit's owner whose unit is being sold, or his or her authorized agent, to provide to a purchaser a resale package containing certain information. Existing law requires an association, upon request by a unit's owner or his or her authorized agent, to provide to the unit's owner or his or her authorized agent certain documents for inclusion in a resale package, including a certificate that contains information necessary to enable the unit's owner to provide information required to be included in the resale package. (NRS 116.4109) Existing law provides that a public offering statement and such a certificate do not need to be prepared or delivered in the

case of certain dispositions of a unit. (NRS 116.4101) Section 7 of this bill instead provides that a public offering statement and the entire resale package do not need to be prepared or delivered in the case of such dispositions of a unit.

Existing law establishes certain specific requirements for providing notice of a sale of property on execution and additional requirements for a sale of property that is a residential foreclosure, which is the sale by foreclosure of a single family residence comprised of not more than four units. (NRS 21.130) Section 8 of this bill additionally requires that in the case of a foreclosure sale, which is the sale by foreclosure of any real property, notice must be given to: (1) each person who has recorded a request for a copy of a notice of default or notice of sale with respect to the mortgage or other lien being foreclosed; (2) each other person with an interest in the real property whose interest or claimed interest is subordinate to the mortgage or other lien being foreclosed; and (3) an association that has recorded a request for a copy of a deed upon a foreclosure sale.

Existing law establishes certain requirements for the sale of real property that consists of several known lots or parcels. (NRS 21.150) Section 9 of this bill provides that such requirements do not apply to the foreclosure of a mortgage or other lien upon real estate.

Existing law establishes provisions relating to an abstract of title concerning real property to be partitioned, which must be verified by the affidavit of the person making the abstract of title. (NRS 39.180, 39.190) Section 10 of this bill instead requires a court, to the extent necessary to grant appropriate relief, to ascertain the state of the title to the property to be partitioned pursuant to the report of a title company in which the title company certifies that it has issued a guarantee for the benefit of the plaintiff or defendant and that lists the names of each owner of record of the property and each holder of record of certain security interests in the property. Section 11 of this bill authorizes any such guarantee issued by a title company that is incorrect to be corrected under the direction of the court.

Existing law generally provides that there can only be one action for the recovery of any debt or the enforcement of any right secured by a mortgage or other lien upon real estate, but specifies that such an action does not include any act or proceeding for the exercise of any right or remedy authorized by the Uniform Commercial Code. (NRS 40.430) Section 12 of this bill makes a technical change to include a reference to additional articles of the Uniform Commercial Code as codified in the Nevada Revised Statutes.

Sections 13 and 14 of this bill remove obsolete provisions regarding certain mortgages of personal property or crops from the provisions of law relating to the recording of assignments of mortgages and the subordination or waiver of priority of mortgages and other interests in real property. Section 14 also provides that an instrument that subordinates or waives priority of a mortgage or deed of trust of, lien upon or interest in real property is not enforceable in connection with a foreclosure or a trustee's sale until it is recorded.

Existing law authorizes a deed of trust to adopt by reference certain covenants, agreements, obligations, rights and remedies. (NRS 107.030) Section 15 of this bill makes a technical change to provide uniformity in the language used in the covenants.

Existing law requires every owner of property who records a notice of waiver of owners' rights with the county recorder of the county in which the property is located before the commencement of construction of a work of improvement on the property to serve such notice on any prime contractor of the work of improvement and all other lien claimants who give the owner a notice of right to lien within 10 days after: (1) the owner's receipt of a notice to lien; or (2) the date on which the notice of waiver is recorded with the county recorder. (NRS 108.2405) Section 16 of this bill provides that the 10-day time limitation applies to whichever of the two events occurs later.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding the provisions of NRS 116.745 to 116.795, inclusive, a person who is aggrieved by an alleged violation of subsection 6 of NRS 116.3102 or subsection 8 of NRS 116.4109 may file with the ~~Commission~~ Division a written complaint that sets forth the facts constituting the alleged violation. The complaint may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.*

2. *The ~~Commission~~ Division shall:*

(a) Review a complaint filed pursuant to subsection 1 in a timely manner.

(b) If circumstances warrant, issue to the person who is alleged to have committed the violation a notice requesting a written response and proof of corrective action, including, without limitation, the reimbursement of any excessive fees to the aggrieved person.

3. *Failure to respond to a notice issued pursuant to paragraph (b) of subsection 2 within 30 days after receipt of the notice:*

(a) Shall be deemed to be an admission of the violation; and

(b) Is punishable by an administrative fine in the amount of \$250.

Sec. 2. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155, except that if the limited-purpose association is created for a rural agricultural residential common-interest community, the limited-purpose association is not required

to pay the fee unless the association intends to use the services of the Ombudsman;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038;

(II) NRS 116.31083 and 116.31152, unless the limited-purpose association is created for a rural agricultural residential common-interest community;

(III) NRS 116.31073, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and

(IV) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) Common-interest communities or units located outside of this State, but NRS 116.4102 and 116.4103, and, to the extent applicable, NRS 116.41035 to 116.4107, inclusive, apply to a contract for the disposition of a unit in that common-interest community signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(c) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 55,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(d) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to ~~116.2122~~ 116.2124, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives;

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan; or

(f) Prohibit a master association which governs a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted and which is exempt from the provisions of this chapter pursuant to subsection 2 of NRS 116.12077 from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 116.12075 is hereby amended to read as follows:

116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:

(a) This entire chapter applies to the condominium;

(b) Only the provisions of NRS 116.001 to ~~116.2122,~~ 116.2124, inclusive, and 116.3116 to 116.31168, inclusive, apply to the condominium; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the condominium.

2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 5. NRS 116.12077 is hereby amended to read as follows:

116.12077 1. The provisions of this chapter do not apply to a planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to this section.

2. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

3. The declaration for the nonresidential planned community may provide that:

(a) This entire chapter applies to the planned community;

(b) Only the provisions of NRS 116.001 to ~~116.2122,~~ 116.2124, inclusive, and 116.3116 to 116.31168, inclusive, apply to the planned community; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the planned community.

4. If this entire chapter applies to a nonresidential planned community pursuant to subsection 3, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 5.5. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, unless the action pertains to:

(1) Common elements;

(2) Any portion of the common-interest community that the association owns; or

(3) Any portion of the common-interest community that the association does not own but has an obligation to maintain, repair, insure or replace because the governing documents of the association expressly make such an obligation the responsibility of the association.

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May impose a reasonable fee for opening or closing any file for each unit. Such a fee:

(1) Must be based on the actual cost the association incurs to open or close any file.

(2) Must not exceed \$350. *Beginning on January 1, 2022, the monetary amount in this subparagraph must be adjusted for each calendar year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor from December 2020 to the December preceding the calendar year for which the adjustment is calculated, but must not increase by more than 3 percent each year.*

(3) Must not be charged to both the seller and the purchaser of a unit.

(4) Except as otherwise provided in this subparagraph and subject to the limitation set forth in subparagraph (2), may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. The fee must not increase by more than 3 percent each year.

(p) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(q) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(r) May exercise any other powers conferred by the declaration or bylaws.

(s) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(t) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(u) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

6. *In providing any service or performing any act set forth in paragraph (n) or (o) of subsection 1, an association, or entity related to or acting on behalf of an association, shall not impose on a unit's owner, the authorized agent of a unit's owner, a purchaser or, pursuant to subsection 7 of NRS 116.4109, the holder of a security interest on a unit, a fee:*

(a) ~~Not enumerated~~ authorized in paragraph (n) or (o), as applicable, of subsection 1; or

(b) In an amount which exceeds any limitation provided or set forth in paragraph (n) or (o), as applicable, of subsection 1.

Sec. 6. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (o), inclusive, of subsection 1 of NRS 116.3102 and any costs of collecting a past due obligation charged pursuant to NRS 116.310313 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent, except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3;

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative; and

(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.

3. A lien under this section is prior to all security interests described in paragraph (b) of subsection 2 to the extent of:

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312;

(b) The unpaid amount of assessments, not to exceed an amount equal to assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding the date on which the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162; and

(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5,

↳ unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter

period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) of subsection 2 must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the institution of a judicial action to enforce the lien.

4. This section does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

5. The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:

- (a) For a demand or intent to lien letter, ~~[\$150.]~~ \$165.
- (b) For a notice of delinquent assessment, \$325.
- (c) For an intent to record a notice of default letter, \$90.
- (d) For a notice of default, \$400.
- (e) For a trustee's sale guaranty, \$400.

↪ No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.

6. Notwithstanding any other provision of law, an association, or member of the executive board, officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common-interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 of NRS to collect amounts due to the association in accordance with subsection 1 before the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162.

7. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

8. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

9. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

10. A lien for unpaid assessments is extinguished unless a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial proceedings to enforce the lien are instituted, within 3 years after the full amount of the assessments becomes due.

11. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

12. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

13. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

14. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

15. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

16. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of

any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance.

Sec. 7. NRS 116.4101 is hereby amended to read as follows:

116.4101 1. NRS 116.4101 to 116.412, inclusive, apply to all units subject to this chapter, except as otherwise provided in subsection 2 or as modified or waived by agreement of purchasers of units in a common-interest community in which all units are restricted to nonresidential use.

2. Neither a public offering statement nor a ~~certificate of~~ resale *package described in NRS 116.4109* need be prepared or delivered in the case of a:

- (a) Gratuitous disposition of a unit;
- (b) Disposition pursuant to court order;
- (c) Disposition by a government or governmental agency;
- (d) Disposition by foreclosure or deed in lieu of foreclosure;
- (e) Disposition to a dealer;
- (f) Disposition that may be cancelled at any time and for any reason by the purchaser without penalty;
- (g) Disposition of a unit in a planned community which contains no more than 12 units if:
 - (1) The declarant reasonably believes in good faith that the maximum assessment stated in the declaration will be sufficient to pay the expenses of the planned community; and
 - (2) The declaration cannot be amended to increase the assessment during the period of the declarant's control without the consent of all units' owners; or
- (h) Disposition of a unit restricted to nonresidential purposes.

Sec. 7.2. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent, mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 calendar days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the

requirements of this section in preparing the certificate ~~{- The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate, which}~~ and must not exceed \$185, except that if a unit's owner or an authorized agent thereof requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee ~~{of up to the maximum amount established by the Commission}~~, which must not exceed \$100, to expedite the preparation of the certificate. The amount of the fee may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 calendar days allowed by this section, the purchaser is not liable for the delinquent assessment. A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 calendar days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement and provide a copy of the statement to any other interested party. The association may charge a fee of not more than \$165 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than \$100

to furnish a statement of demand within 3 business days after receipt of a written request for a statement of demand. The amount of the fees for preparing and furnishing a statement of demand and the additional fee for furnishing a statement of demand within 3 business days may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

↪ As used in this subsection, "interested party" includes the unit's owner selling the unit and the prospective purchaser of the unit.

8. *In preparing, copying, furnishing or expediting or otherwise providing any document or other item pursuant to this section, an association, or entity related to or acting on behalf of an association, shall not charge a unit's owner, the authorized agent of a unit's owner, a purchaser or, pursuant to subsection 7, the holder of a security interest on a unit, any fee:*

(a) *Not ~~enumerated~~ authorized in this section; or*

(b) *In an amount which exceeds any limit set forth in this section.*

9. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Sec. 7.4. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, *and section 1.5 of this act*, unless the context otherwise requires, "violation" means a violation of:

1. Any provision of this chapter except NRS 116.31184;
2. Any regulation adopted pursuant to this chapter; or
3. Any order of the Commission or a hearing panel.

Sec. 7.6. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, *and section 1.5 of this act*, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

- (a) Any association and any officer, employee or agent of an association.
- (b) Any member of an executive board.
- (c) Any community manager who holds a certificate and any other community manager.
- (d) Any person who is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.
- (e) Any declarant or affiliate of a declarant.
- (f) Any unit's owner.
- (g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

- (a) Currently holds his or her office, employment, agency or position or who held the office, employment, agency or position at the commencement of proceedings against him or her.
- (b) Resigns his or her office, employment, agency or position:
 - (1) After the commencement of proceedings against him or her; or
 - (2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 7.8. NRS 116.755 is hereby amended to read as follows:

116.755 1. The rights, remedies and penalties provided by NRS 116.745 to 116.795, inclusive, *and section 1.5 of this act* are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

2. If the Commission, a hearing panel or another agency or officer elects to take a particular action or pursue a particular remedy or penalty authorized by NRS 116.745 to 116.795, inclusive, *and section 1.5 of this act* or another specific statute, that election is not exclusive and does not preclude the Commission, the hearing panel or another agency or officer from taking any other actions or pursuing any other remedies or penalties authorized by NRS 116.745 to 116.795, inclusive, *and section 1.5 of this act* or another specific statute.

3. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, *and section 1.5 of this act*, the Commission or a hearing panel shall not intervene in any internal activities of an association except to the extent necessary to prevent or remedy a violation.

Sec. 8. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder;
~~and~~

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier ~~and~~; *and*

(6) *In the case of a foreclosure sale, depositing in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to:*

(1) Each person who, in accordance with subsection 1 of NRS 107.090, has recorded a request for a copy of a notice of default or notice of sale with respect to the mortgage or other lien being foreclosed;

(II) Each other person with an interest in the real property whose interest or claimed interest is subordinate to the mortgage or other lien being foreclosed; and

(III) An association that, pursuant to subsection 4 of NRS 107.090, has recorded a request for a copy of the deed upon a foreclosure sale.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section ~~["residential"]~~:

(a) *"Foreclosure sale"* means the sale of real property pursuant to NRS 40.430.

(b) *"Residential foreclosure"* means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 9. NRS 21.150 is hereby amended to read as follows:

21.150 1. All sales of property under execution ~~["shall"]~~ must be made at auction to the highest bidder ~~["and shall be made"]~~ between the hours of 9 a.m. and 5 p.m. All sales of real property must be made at the courthouse of the county in which the property or some part thereof is situated.

2. After sufficient property has been sold to satisfy the execution, ~~["no"]~~ more ~~["shall"]~~ property must not be sold. ~~["Neither the"]~~

3. The officer holding the execution ~~["nor"]~~ and the officer's deputy shall not become a purchaser or be interested in any purchase at such sale.

4. When the sale is of personal property capable of manual delivery, it shall be in view of those who attend the sale and be sold in such parcels as are likely to bring the highest price. ~~["and"]~~

5. Except as otherwise provided in subsection 6, when the sale is of real property and consisting of several known lots or parcels, they shall be sold separately, or when a portion of such real property is claimed by a third person and the third party requires it to be sold separately, such portion shall be thus sold. ~~["All sales of real property shall be made at the courthouse of the county in which the property or some part thereof is situated."]~~ If the land to be sold under execution consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, notice of the sale must be posted and published in each of such counties, as provided in this chapter. The judgment debtor, if present at the sale, may also direct the order in which property, real or personal, shall be sold. When such property consists of several known lots or parcels, or of articles which can be sold to advantage separately, the sheriff shall be bound to follow such directions.

6. *The provisions of subsection 5 do not apply to a sale pursuant to NRS 40.430.*

Sec. 10. NRS 39.180 is hereby amended to read as follows:

39.180 ~~[If it appears to the court that it was]~~

1. *To the extent necessary to ~~[have made an abstract]~~ grant the relief sought or other appropriate relief, the court shall upon adequate proof ascertain the state of the title to the property to be partitioned ~~[, and such abstract shall have been procured by]~~ pursuant to a report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the plaintiff ~~[,]~~ or ~~[if the plaintiff shall have failed to have the same made before the commencement of the action, and any one of the defendants shall have had such abstract afterward made,]~~ the defendant, and which lists the names of:*

(a) *Each owner of record of the property to be partitioned; and*

(b) *Each holder of record of a security interest in the property to be partitioned, if the security interest was created by a mortgage or a deed of trust.*

2. *The cost of the ~~[abstract,]~~ guarantee, with interest thereon from the time the same is subject to the inspection of the respective parties to the action, must be allowed and taxed. ~~[Whenever such abstract is procured by the plaintiff, before the commencement of the action, the plaintiff must file with the plaintiff's complaint a notice that an abstract of the title has been made, and is subject to the inspection and use of all the parties to the action, designating therein where the abstract will be kept for inspection. But if the plaintiff shall have failed to procure such abstract before commencing the action, and any defendant shall procure the same to be made, the defendant shall, as soon as the defendant has directed it to be made, file a notice thereof in the action with the clerk of the court, stating who is making the same, and where it will be kept when finished. The court, or the judge thereof, may direct from time to time during the progress of the action, who shall have the custody of the abstract.]~~*

3. *As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.*

Sec. 11. NRS 39.190 is hereby amended to read as follows:

39.190 *The ~~[abstract]~~ guarantee mentioned in NRS 39.180 ~~[may be made by any competent searcher of records, and need not be certified by the recorder or other officer, but instead thereof it must be verified by the affidavit of the person making it, to the effect that the person believes it to be correct, but the same]~~ may be corrected from time to time if found incorrect, under the direction of the court.*

Sec. 12. NRS 40.430 is hereby amended to read as follows:

40.430 1. *Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or*

for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.426 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 *or* 104A of NRS or by the Uniform Commercial Code as enacted in any other state, including, without limitation, an action for declaratory relief pursuant to chapter 30 of NRS to ascertain the identity of the person who is entitled to enforce an instrument pursuant to NRS 104.3309.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Pursuant to an agreement entered into pursuant to NRS 361.7311 between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.

(p) Which is exempted from the provisions of this section by specific statute.

(q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 13. NRS 106.210 is hereby amended to read as follows:

106.210 1. Any assignment of a mortgage of real property ~~[, or of a mortgage of personal property or crops recorded prior to March 27, 1935,]~~ and any assignment of the beneficial interest under a deed of trust must be recorded in the office of the recorder of the county in which the property is located, and from the time any of the same are so filed for record shall operate as constructive notice of the contents thereof to all persons. A mortgage of real property ~~[, or a mortgage of personal property or crops recorded prior to March 27, 1935,]~~ which has been assigned may not be enforced unless and until the assignment is recorded pursuant to this subsection. If the beneficial interest under a deed of trust has been assigned, the trustee under the deed of trust may not exercise the power of sale pursuant to NRS 107.080 unless and until the assignment is recorded pursuant to this subsection.

2. Each such filing or recording must be properly indexed by the recorder.

Sec. 14. NRS 106.220 is hereby amended to read as follows:

106.220 1. Any instrument by which any mortgage or deed of trust of, lien upon or interest in real property is subordinated or waived as to priority ~~[- must, in case it concerns only]~~ concerning one or more *other* mortgages or deeds of trust of, liens upon or interests in real property ~~[- together with, or in the alternative, one or more mortgages of, liens upon or interests in personal property or crops, the instruments or documents evidencing or creating which have been recorded prior to March 27, 1935,]~~ must be recorded in the office of the recorder of the county in which the property is located, and from the time any of the same are so filed for record operates as constructive notice of the contents thereof to all persons. The instrument is not enforceable *in connection with a foreclosure* under this chapter or *a trustee's sale* under chapter 107 of NRS unless and until it is recorded.

2. Each such filing or recording must be properly indexed by the recorder.

Sec. 15. NRS 107.030 is hereby amended to read as follows:

107.030 Every deed of trust made after March 29, 1927, may adopt by reference all or any of the following covenants, agreements, obligations, rights and remedies:

1. Covenant No. 1. That grantor agrees to pay and discharge at maturity all taxes and assessments and all other charges and encumbrances which now are or shall hereafter be, or appear to be, a lien upon the premises, or any part thereof; and that grantor will pay all interest or installments due on any prior encumbrance, and that in default thereof, beneficiary may, without demand or notice, pay the same, and beneficiary shall be sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof.

2. Covenant No. 2. That the grantor will at all times keep the buildings and improvements which are now or shall hereafter be erected upon the premises insured against loss or damage by fire, to the amount of at least \$....., by some insurance company or companies approved by beneficiary, the policies for which insurance shall be made payable, in case of loss, to beneficiary, and shall be delivered to and held by the beneficiary as further security; and that in default thereof, beneficiary may procure such insurance, not exceeding the amount aforesaid, to be effected either upon the interest of trustee or upon the interest of grantor, or his or her assigns, and in their names, loss, if any, being made payable to beneficiary, and may pay and expend for premiums for such insurance such sums of money as the beneficiary may deem necessary.

3. Covenant No. 3. That if, during the existence of the trust, there be commenced or pending any suit or action affecting the premises, or any part thereof, or the title thereto, or if any adverse claim for or against the premises, or any part thereof, be made or asserted, the trustee or beneficiary may appear or intervene in the suit or action and retain counsel therein and defend same, or otherwise take such action therein as they may be advised, and may settle or compromise same or the adverse claim; and in that behalf and for any of the

purposes may pay and expend such sums of money as the trustee or beneficiary may deem to be necessary.

4. Covenant No. 4. That the grantor will pay to trustee and to beneficiary respectively, on demand, the amounts of all sums of money which they shall respectively pay or expend pursuant to the provisions of the implied covenants of this section, or any of them, together with interest upon each of the amounts, until paid, from the time of payment thereof, at the rate of percent per annum.

5. Covenant No. 5. That in case grantor shall well and truly perform the obligation or pay or cause to be paid at maturity the debt or promissory note, and all moneys agreed to be paid, and interest thereon for the security of which the transfer is made, and also the reasonable expenses of the trust in this section specified, then the trustee, its successors or assigns, shall reconvey to the grantor all the estate in the premises conveyed to the trustee by the grantor. Any part of the trust property may be reconveyed at the request of the beneficiary.

6. Covenant No. 6. That if default be made in the performance of the obligation, or in the payment of the debt, or interest thereon, or any part thereof, or in the payment of any of the other moneys agreed to be paid, or of any interest thereon, or if any of the conditions or covenants in this section adopted by reference be violated, and if the notice of breach and election to sell, required by this chapter, be first recorded, then trustee, its successors or assigns, on demand by beneficiary, or assigns, shall sell the above-granted premises, or such part thereof as in its discretion it shall find necessary to sell, in order to accomplish the objects of these trusts, in the manner following, namely:

The ~~trustees~~ trustee shall first give notice of the time and place of such sale, in the manner provided in NRS 107.080 and may postpone such sale not more than three times by proclamation made to the persons assembled at the time and place previously appointed and advertised for such sale, and on the day of sale so advertised, or to which such sale may have been postponed, the trustee may sell the property so advertised, or any portion thereof, at public auction, at the time and place specified in the notice, at a public location in the county in which the property, or any part thereof, to be sold, is situated, to the highest cash bidder. The beneficiary, obligee, creditor, or the holder or holders of the promissory note or notes secured thereby may bid and purchase at such sale. The beneficiary may, after recording the notice of breach and election, waive or withdraw the same or any proceedings thereunder, and shall thereupon be restored to the beneficiary's former position and have and enjoy the same rights as though such notice had not been recorded.

7. Covenant No. 7. That the trustee, upon such sale, shall make (without warranty), execute and, after due payment made, deliver to purchaser or purchasers, his, her or their heirs or assigns, a deed or deeds of the premises so sold which shall convey to the purchaser all the title of the grantor in the premises, and shall apply the proceeds of the sale thereof in payment, firstly,

of the expenses of such sale, together with the reasonable expenses of the trust, including counsel fees, in an amount equal to percent of the amount secured thereby and remaining unpaid or reasonable counsel fees and costs actually incurred, which shall become due upon any default made by grantor in any of the payments aforesaid; and also such sums, if any, as trustee or beneficiary shall have paid, for procuring a search of the title to the premises, or any part thereof, subsequent to the execution of the deed of trust; and in payment, secondly, of the obligation or debts secured, and interest thereon then remaining unpaid, and the amount of all other moneys with interest thereon herein agreed or provided to be paid by grantor; and the balance or surplus of such proceeds of sale it shall pay to grantor, his or her heirs, executors, administrators or assigns.

8. Covenant No. 8. That in the event of a sale of the premises, or any part thereof, and the execution of a deed or deeds therefor under such trust, the recital therein of default, and of recording notice of breach and election of sale, and of the elapsing of the 3-month period, and of the giving of notice of sale, and of a demand by beneficiary, his or her heirs or assigns, that such sale should be made, shall be conclusive proof of such default, recording, election, elapsing of time, and of the due giving of such notice, and that the sale was regularly and validly made on due and proper demand by beneficiary, his or her heirs and assigns; and any such deed or deeds with such recitals therein shall be effectual and conclusive against grantor, his or her heirs and assigns, and all other persons; and the receipt for the purchase money recited or contained in any deed executed to the purchaser as aforesaid shall be sufficient discharge to such purchaser from all obligation to see to the proper application of the purchase money, according to the trusts aforesaid.

9. Covenant No. 9. That the beneficiary or his or her assigns may, from time to time, appoint another trustee, or trustees, to execute the trust created by the deed of trust. An instrument executed and acknowledged by the beneficiary is conclusive proof of the proper appointment of such substituted trustee. Upon the recording of such executed and acknowledged instrument, the new trustee or trustees shall be vested with all the title, interest, powers, duties and trusts in the premises vested in or conferred upon the original trustee. If there be more than one trustee, either may act alone and execute the trusts upon the request of the beneficiary, and all of the trustee's acts thereunder shall be deemed to be the acts of all trustees, and the recital in any conveyance executed by such sole trustee of such request shall be conclusive evidence thereof, and of the authority of such sole trustee to act.

Sec. 16. NRS 108.2405 is hereby amended to read as follows:

108.2405 1. The provisions of NRS 108.2403 and 108.2407 do not apply:

(a) In a county with a population of 700,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes

which are compatible with the operation of the international airport for the county.

(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners' rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement. Such a written notice of waiver may be with respect to one or more works of improvement as described in the written notice of waiver.

2. Each owner who records a notice of waiver pursuant to paragraph (b) of subsection 1 must serve such notice by certified mail, return receipt requested, upon any prime contractor of the work of improvement and all other lien claimants who give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner's receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection ~~[]~~, *whichever is later*.

3. As used in this section:

(a) "Ground lease" means a written agreement:

(1) To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and

(2) That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.

(b) "Ground lessee" means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor.

Sec. 17. 1. This section ~~becomes~~ and section 7.2 of this act become effective upon passage and approval.

2. Sections 1, 1.5 and 3 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 sections 1, 1.5 and 3; and

(b) On January 1, 2022, for all other purposes.

3. Sections 2 ~~and~~ 4 to 7, inclusive, and 7.4 to 16, inclusive, of this act become effective on January 1, 2022.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 658 to Assembly Bill No. 237 revises section 1.5 of the bill to clarify that, consistent with current statute, the Real Estate Division of the Department of Business and Industry may issue necessary fines, and the Commission for Common-Interest Communities and Condominium Hotels may hear any appeals.

Amendment adopted.

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

Assembly Bill No. 400.

Bill read second time and ordered to third reading.

Assembly Bill No. 424.

Bill read second time and ordered to third reading.

Assembly Bill No. 440.

Bill read second time and ordered to third reading.

Assembly Bill No. 450.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 31.

The following Assembly amendment was read:

Amendment No. 534.

SUMMARY—Makes various changes relating to public safety.
(BDR 14-337)

AN ACT relating to public safety; authorizing the Central Repository for Nevada Records of Criminal History to monitor the agencies of criminal justice in this State for compliance with certain requirements relating to the submission or transmission of certain information and records concerning public safety; providing that if the Central Repository chooses to perform such monitoring, the Central Repository must prepare and post on its Internet website an annual report relating to the compliance of such agencies of criminal justice in this State with such requirements; revising the definition of a record of criminal history; revising the requirements for publication of certain statistical data; revising provisions relating to the information provided to an authorized participant of a service to conduct a name-based search of records of criminal history; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Central Repository for Nevada Records of Criminal History to collect and maintain certain information relating to records of criminal history. (NRS 179A.075) Existing law requires a court, within 5 business days, to transmit to the Central Repository any record concerning the appointment of a guardian for a person with a mental defect, plea or finding of guilty but mentally ill, verdict acquitting a person by reason of insanity, finding that a person is incompetent to stand trial or involuntary admission of a person to a mental health facility, along with a statement that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) Existing law also provides that, upon receiving such a record, the Central Repository: (1) must take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and (2) may take reasonable steps to ensure that the information

reported in the record is included in each appropriate database of the National Crime Information Center. (NRS 179A.163)

Additionally, existing law requires: (1) each agency of criminal justice to submit information to the Central Repository relating to records of criminal history that it creates, issues or collects and certain information in the agency's possession relating to the DNA profile of certain persons; (2) each state and local law enforcement agency to submit Uniform Crime Reports. (NRS 179A.075) Finally, any time that a court issues a temporary or extended order for protection against domestic violence, an ex parte or extended order for protection against high-risk behavior, a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault or a temporary or extended order for protection against stalking, aggravated stalking or harassment and any time that a person serves such an order, registers such an order or takes certain other actions relating to such orders, existing law requires the person to transmit certain information to the Central Repository. (NRS 33.095, 33.650, 200.37835, 200.599)

Section 1 of this bill: (1) authorizes the Central Repository to monitor the agencies of criminal justice in this State for compliance with the statutory requirements relating to the submission or transmission of certain information relating to mental health records and certain other records, reports, compilations and information; and (2) if the Central Repository chooses to perform such monitoring, requires the Central Repository to prepare an annual report regarding such compliance and post the report on its Internet website. Section 1 also authorizes the Central Repository to contact the agencies of criminal justice in this State to coordinate efforts to ensure the timely submission or transmission of such information and records.

Under existing law, the term "record of criminal history" includes decisions of a district attorney not to prosecute a person. (NRS 179A.070) Section ~~1.1~~ 1.5 of this bill revises the definition of "record of criminal history" to refer to decisions of a prosecuting attorney, rather than a district attorney, which expands the definition to include other types of prosecuting attorneys, such as city attorneys.

Existing law requires the Central Repository to prepare and post on its Internet website certain reports containing statistical data relating to crime and domestic violence. (NRS 179A.075) Section 2 of this bill eliminates the requirement to prepare and post such reports and instead requires the Central Repository to provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime and domestic violence.

Existing law establishes within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer and provides that the Central Repository shall disseminate to an authorized participant of the service information which: (1) reflects convictions only; or (2) pertains to an incident for which an employee, prospective employee, volunteer or prospective

volunteer is currently within the system of criminal justice, including parole or probation. (NRS 179A.103) Existing law also defines the term "record of criminal history" to include information contained in records collected and maintained by agencies of criminal justice, such as warrants, arrests, citations, detentions, decisions not to prosecute, indictments, charges and dispositions of charges. (NRS 179A.070) Section 3 of this bill provides that in conducting a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer, the Central Repository shall disseminate to an authorized participant information ~~[pertaining to records of criminal history generally, rather than information]~~ which reflects convictions only. ~~[or pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice.]~~

Existing law creates the Repository for Information Concerning Orders for Protection, which contains a record of all: (1) temporary and extended orders for protection against domestic violence issued or registered in this State and all Canadian domestic-violence protection orders registered in this State; (2) temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State; and (3) temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State. Existing law also requires the Director of the Department of Public Safety, on or before July 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence, sexual assault, stalking, aggravated stalking or harassment issued during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. (NRS 179A.350) Section 4 of this bill eliminates the requirement to submit such a report and instead requires the Director of the Department of Public Safety to provide an electronic means to access on the Central Repository's Internet website statistical data concerning such orders for protection.

Existing law creates the Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons, which contains a record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons in this State. Existing law also requires the Director of the Department of Public Safety, on or before July 1 of each year, to prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report on the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons. (NRS 179A.450) Section 5 of this bill eliminates the requirement to submit such a report and instead requires the Director of the Department of Public Safety to provide an electronic means to access on the Central Repository's Internet website statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons.

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

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

1. The Central Repository may:

(a) Monitor the agencies of criminal justice in this State, at such times as the Central Repository deems necessary, to ensure that the agencies of criminal justice are compliant with all applicable provisions of NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310; and

(b) According to a schedule established by the Director of the Department, contact the agencies of criminal justice in this State to coordinate efforts to ensure the timely submission or transmission of information and records pursuant to NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310.

2. The Central Repository may adopt policies and procedures to carry out its duties pursuant to this section.

3. To carry out its duties pursuant to this section, the Central Repository may request that an agency of criminal justice provide information to the Central Repository. An agency of criminal justice shall provide information requested by the Central Repository in the manner and within the time prescribed by any policies and procedures adopted by the Central Repository pursuant to subsection 2.

4. If the Central Repository chooses to monitor the agencies of criminal justice in this State pursuant to this section, the Central Repository must:

(a) Prepare an annual report for the preceding calendar year indicating whether the agencies of criminal justice in this State were in compliance with the requirements regarding the submission or transmission of information and records set forth in NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310; and

(b) On or before March 31 of each year, post the annual report on its Internet website.

~~{Section 1.}~~ Sec. 1.5. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a ~~{district}~~ prosecuting attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation,

dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints and other biometric identifiers of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

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

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

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

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 2. NRS 179A.075 is hereby amended to read as follows:

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

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

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

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

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose

record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

→ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

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

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

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

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➔ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

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

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

~~(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing]~~

~~(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.~~

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

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 3. NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository. The elements of a contract entered into pursuant to this section must be limited to requiring the eligible person to:

(a) Pay a fee pursuant to subsection 3, if applicable; and

(b) Comply with applicable law.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. An authorized participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or

prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to an authorized participant of the service information which ~~is:~~

- ~~(a) Reflects] reflects convictions only. [; or~~
- ~~(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation. pertaining to records of criminal history.]~~

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent directly to the authorized participant or, if the authorized participant is a screening service, directly to the eligible person designating the screening service to receive records of criminal history, for the Central Repository to perform the search and to release the information to an authorized participant. The written consent form may be:

- (a) A form designated by the Central Repository; or
- (b) If the authorized participant is a screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. A screening service that is designated to receive records of criminal history on behalf of an eligible person may provide such records of criminal history to the eligible person upon request of the eligible person if the screening service maintains records of its dissemination of the records of criminal history.

8. The Central Repository may audit an authorized participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. The Central Repository may terminate participation in the service if an authorized participant fails:

- (a) To pay the fees required to participate in the service; or
- (b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. As used in this section:

(a) "Authorized participant" means an eligible person who has entered into a contract with the Central Repository to participate in the service established pursuant to subsection 1.

(b) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

(c) "Eligible person" means:

- (1) An employer.
- (2) A volunteer organization.
- (3) A screening service.

(d) "Employer" means a person that:

- (1) Employs an employee or makes employment decisions;

(2) Enters into a contract with an independent contractor or makes the determination whether to enter into a contract with an independent contractor; or

(3) Enters into a contract with a person, business or organization for the provision, directly or indirectly, of labor, services or materials by an independent contractor, subcontractor or a third party.

(e) "Employment" includes performing services, directly or indirectly, for an employer as an independent contractor, subcontractor or a third party pursuant to a contract.

(f) "Screening service" means a person or entity designated, directly or indirectly, by an eligible person to provide employment or volunteer screening services to the eligible person.

(g) "Written consent" means:

(1) An electronic signature pursuant to 15 U.S.C. § 7006(5), and any regulations adopted pursuant thereto;

(2) Completion of the form designated by the Central Repository pursuant to paragraph (a) of subsection 6; or

(3) Consent by means of mail, the Internet, other electronic means or other means pursuant to 15 U.S.C. § 1681b(b)(2), and any regulations adopted pursuant thereto.

Sec. 4. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 10, the Repository for Information Concerning Orders for Protection must contain a complete and systematic record of all:

(a) Temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, including, without limitation, any information received pursuant to NRS 33.095;

(b) Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to NRS 200.599; and

(c) Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to NRS 200.37835.

3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

4. Information received by the Central Repository pursuant to NRS 33.095, 200.37835 and 200.599 must be entered in the Repository for Information Concerning Orders for Protection.

5. The information in the Repository for Information Concerning Orders for Protection must be accessible by computer at all times to each agency of criminal justice.

6. The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection unless such an order is sealed by a court of competent jurisdiction.

7. The existence of a record of an expired temporary or extended order for protection in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:

- (a) A court order; or
- (b) Any provision of federal or state law.

8. ~~{On or before July 1 of each year, the}~~ *The* Director of the Department shall ~~{submit to the Director of the Legislative Counsel Bureau a written report}~~ *provide an electronic means to access on the Central Repository's Internet website statistical data* concerning all temporary and extended orders for protection issued pursuant to NRS 33.020, 200.378 and 200.591 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. The ~~{report}~~ *data* must include, without limitation, information for each court that issues temporary or extended orders for protection pursuant to NRS 33.020, 200.378 and 200.591, respectively, concerning:

- (a) The total number of temporary and extended orders that were granted by the court during the calendar year to which the ~~{report}~~ *data* pertains;
- (b) The number of temporary and extended orders that were granted to women;
- (c) The number of temporary and extended orders that were granted to men;
- (d) The number of temporary and extended orders that were vacated or expired;
- (e) The number of temporary orders that included a grant of temporary custody of a minor child; and
- (f) The number of temporary and extended orders that were served on the adverse party.

9. The information provided pursuant to subsection 8 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

10. The Repository for Information Concerning Orders for Protection must not contain any information concerning an event that occurred before October 1, 1998.

11. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in NRS 33.119.

Sec. 5. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of

older persons or vulnerable persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.

(b) All cases that were investigated and the type of such cases.

3. ~~On or before July 1 of each year, the~~ *The* Director of the Department shall ~~prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth~~ *provide an electronic means to access on the Central Repository's Internet website* statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons.

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons.

5. As used in this section:

(a) "Abandonment" has the meaning ascribed to it in NRS 200.5092.

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

(f) "Older person" means a person who is 60 years of age or older.

(g) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. 1. This ~~act becomes~~ section and sections 1.5 to 6, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on January 1, 2022.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 534 to Senate Bill No. 31.

Remarks by Senator Scheible.

Assembly Amendment No. 534 to Senate Bill No. 31 adds provisions allowing the Central Repository to essentially audit criminal justice agencies to ensure they are complying with their reporting requirements.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 33.

The following Assembly amendment was read:

Amendment No. 545.

SUMMARY—Revises certain provisions relating to natural resource management. (BDR 47-312)

AN ACT relating to natural resource management; replacing the term "reforestation" with "revegetation"; expanding the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing; expanding the application of certain provisions governing forests and watersheds to include rangelands; repealing the requirement to carry out certain tasks related to fire retardant roofing, fire-hazardous forested areas and ensuring consistency with fire codes, rules and regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Forester Firewarden to negotiate with and enter into cooperative agreements with certain governmental entities and with organizations and natural persons to establish and develop nurseries in this State for the procurement and production, research and display of forest tree seeds and conservation plant materials. Such nurseries are meant to accomplish a variety of goals, including advancing the general welfare and bringing about benefits that result from reforestation. (NRS 528.100) Existing law provides that reforestation means the planting and cultivation of conservation plant materials which are indigenous to forests, plains, meadows, deserts and urban areas of Nevada. (NRS 528.097) Sections 1-4, 6-8 and 19 of this bill replace the term "reforestation" with "revegetation."

Sections 3, 5 and 7 of this bill expand the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing. Existing law requires any state nursery to purchase forest tree seeds and conservation plant materials so that they can be distributed for planting on public or private property for a variety of purposes. (NRS 528.105) Section 7 of this bill provides that such distribution may occur for certain additional purposes, including soil erosion control, noise abatement, revegetation, greenstrips, reduction of fire hazards, xeriscaping, water conservation and providing wildlife habitats.

Existing law requires the State Forester Firewarden to supervise or coordinate all forestry and watershed work on state-owned and privately owned lands and authorizes the State Forester Firewarden to: (1) appoint paid foresters and firewardens to enforce existing law concerning forest and watershed management or the protection of forests and other lands; and (2) purchase or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management. (NRS 472.040) Sections 10-14 of this bill expand the application of the provisions relating to forests and watersheds to include rangelands and remove certain references to "forest" so that certain provisions apply to any lands in this State.

Existing law requires the State Forester Firewarden to: (1) adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire-hazardous forested areas; and (2) designate the boundaries

of such fire-hazardous forested areas. Existing law additionally requires the State Forester Firewarden to assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations. (NRS 472.040) Section 10 of this bill removes the requirement that the State Forester Firewarden carry out these duties. Section 18 of this bill requires the State Fire Marshal to cooperate with the State Forester Firewarden concerning certain mitigation activities.

Existing law requires the State Fire Marshal to adopt regulations relating to the prevention of fire. (NRS 477.030) The State Fire Marshal has adopted regulations in which the International Wildland-Urban Interface Code is adopted by reference. (NAC 477.281) Existing law provides that the regulations of the State Fire Marshal apply throughout the State, except that any regulations of the State Fire Marshal concerning matters relating to building codes do not apply to a county whose population is 700,000 or more (currently Clark County), if the county adopts a code that is at least as stringent as the International Fire Code and the International Building Code ~~and~~ within 1 year of the time such international codes are published by the International Code Council. (NRS 477.030) Section 18 provides that such a code adopted by a county whose population is 700,000 or more must: (1) also be at least as stringent as the International Wildland-Urban Interface Code ~~and~~; and (2) be adopted within 2 years of the time such international codes are published by the International Code Council.

Section 21 of this bill repeals the State Forester Firewarden's authority to enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure that is in a fire-hazardous forested area. Section 21 of this bill repeals the State Forester Firewarden's authority to enforce provisions of existing law that require fire retardant roofing material to be used in areas designated as fire-hazardous forested areas. Section 9 of this bill makes a conforming change by removing a reference to the repealed provision.

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

Section 1. Chapter 528 of NRS is hereby amended by adding thereto a new section to read as follows:

"Native landscape" means any forest, plain, meadow, desert, riparian area, wetland or natural area located in Nevada.

Sec. 2. NRS 528.091 is hereby amended to read as follows:

528.091 As used in NRS 528.091 to 528.120, inclusive, *and section 1 of this act*, unless the context otherwise requires, the terms defined in NRS 528.092 to 528.098, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 528.092 is hereby amended to read as follows:

528.092 "Conservation plant materials" means those trees, shrubs and plants *and the parts of such trees, shrubs and plants* used for:

1. Well-established conservation purposes such as *xeriscaping*, windbreaks, wood lots, soil erosion control, wildlife habitation, ~~reforestation,~~ *revegetation*, noise abatement, *water conservation* and fire control; or

2. Beautification purposes for parks, recreation areas, *public rights-of-ways, areas that are commonly owned*, greenbelts, schools and public buildings.

Sec. 4. NRS 528.097 is hereby amended to read as follows:

528.097 ~~["Reforestation"]~~ "*Revegetation*" means planting and cultivation of conservation plant materials which are indigenous or adaptable to ~~{forests, plains, meadows, deserts}~~ *the native landscapes* and urban areas of Nevada.

Sec. 5. NRS 528.098 is hereby amended to read as follows:

528.098 "Urban forestry" means the science of developing, caring for or cultivating conservation plant materials in an urban environment to enhance air *and water* quality, provide shade protection, stabilize soils, *promote water conservation*, reduce noise ~~{and dust}~~ levels, *reduce fire hazards, improve human health, provide wildlife habitats, sustain local economies* and improve esthetics.

Sec. 6. NRS 528.100 is hereby amended to read as follows:

528.100 1. In order to aid agriculture, conserve water resources, renew the timber supply, promote erosion control, beautify urban areas, *support urban forestry*, educate the public, improve natural forests, deserts, wildlife habitation, and in other ways advance the general welfare and bring about benefits resulting from ~~reforestation~~ *revegetation* and the establishment of windbreaks, shelterbelts, wood lots, greenbelts, open space, parks and arboretums on lands in the State of Nevada, the State Forester Firewarden, subject to the approval of the Director, may act for the State of Nevada in negotiating for and entering into cooperative agreements with the United States of America, with the governing bodies of the counties and other political subdivisions of this state, and with organizations and natural persons for the purpose of securing the establishment and development of a nursery site or sites for the procurement and production, research and display of forest tree seeds and conservation plant materials.

2. The State Forester Firewarden may receive contributions of money from cooperators under the cooperative agreement.

3. The Fund for Forest Nurseries is hereby created as an enterprise fund. All money received for the establishment, development and operation of nurseries must be accounted for in the Fund. The balance in the Fund may not be transferred to any other Fund. All claims against the Fund must be paid as other claims against the State are paid.

Sec. 7. NRS 528.105 is hereby amended to read as follows:

528.105 1. Any state nursery authorized by NRS 528.100 must be operated under management of the State Forester Firewarden and must propagate stock for uses as provided in this section.

2. The State Forester Firewarden may:

- (a) Purchase nursery stock, seed and other conservation plant materials.
- (b) Engage in seed, tree and plant development research.
- (c) Demonstrate methods of conservation plant material planting, propagation and landscaping to public or private organizations or individuals.
- (d) Distribute conservation plant materials for planting on public property for the purposes of soil erosion control, windbreaks, noise abatement, ~~reforestation,~~ *revegetation*, greenbelts, *greenstrips*, *reduction of fire hazards*, *xeriscaping*, watershed protection, *providing* wildlife ~~protection~~ *habitats*, *improving human health*, *sustaining local economies* and beautification.

(e) Distribute conservation plant materials for planting on private property for the purposes of production of forest or wood-lot products, ~~reforestation,~~ *soil erosion control*, windbreaks, ~~wood-lots, shelterbelts,~~ *noise abatement*, *revegetation*, greenbelts, *greenstrips*, *reduction of fire hazards*, *xeriscaping*, *water conservation* and *providing* wildlife habitat.

(f) Charge and collect for all plant materials distributed under paragraphs (d) and (e) in accordance with a fee schedule developed by the State Forester Firewarden and approved by the Director.

3. Conservation plant materials distributed by the State Forester Firewarden under the provisions of paragraph (e) of subsection 2 must be used only for the purposes therein set forth. The State Forester Firewarden may set by regulation the criteria for eligibility for distribution of plants under paragraph (e) of subsection 2.

4. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 8. NRS 63.460 is hereby amended to read as follows:

63.460 1. A facility may establish forestry camps for the purposes of:

- (a) Securing a satisfactory classification and segregation of children according to their capacities, interests and responsiveness to control and responsibility;
- (b) Reducing the necessity of extending existing grounds and housing facilities; and
- (c) Providing adequate opportunity for reform and encouragement of self-discipline.

2. Children committed to forestry camps may be required:

- (a) To labor on the buildings and grounds of the forestry camp.
- (b) To perform fire prevention work, including, but not limited to:
 - (1) Building firebreaks and fire trails;
 - (2) Fire suppression;
 - (3) Making forest roads for fire prevention or fire fighting; and
 - (4) Forestation and ~~reforestation~~ *revegetation* of public lands.

(c) To perform other projects prescribed by the superintendent of the facility.

3. For the purposes of carrying out the provisions of this section, the superintendent of a facility may enter into contracts with the Federal Government, state officials and various state agencies and departments.

4. *As used in this section, "revegetation" has the meaning ascribed to it in NRS 528.097.*

Sec. 9. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

↪ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator must:

(a) Have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and experience in management, public administration or public policy; or

(b) Be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the:

(a) Public Works - Professional Services Section must be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

(b) Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

- (a) Serve as the Secretary of the Board.
- (b) Manage the daily affairs of the Division.
- (c) Represent the Board and the Division before the Legislature.
- (d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.
- (e) Select architects, engineers and contractors.
- (f) Accept completed projects.
- (g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:
 - (1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;
 - (2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;
 - (3) Delays in the completion of the design or construction of the project or any substantial component of the project; or
 - (4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.
- (h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

- (a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and
- (b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173 ~~[-472-105]~~ or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 10. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

- (a) Supervise or coordinate all forestry , *rangeland* and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.
- (b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the

Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

~~(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.~~

~~—(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.~~

~~—(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.~~

~~(g)~~ (e) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

~~(h)~~ (f) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

~~(i)~~ (g) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in ~~{counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.~~

~~—(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.~~

~~—(k) this State.~~

(h) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 or 474 of NRS.

~~(l)~~ (i) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest , *rangeland* and watershed management or the protection of ~~{forests and other}~~ lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest , *rangeland* and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

Sec. 11. NRS 472.043 is hereby amended to read as follows:

472.043 1. It is the purpose of this section to provide for the maintenance of ~~forest and~~ vegetative cover *in forests*, on ~~forest~~ *rangelands* and on watershed land, to conserve water and soil , *to mitigate wildfires* and to prevent destructive floods.

2. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may:

(a) Enter into contracts with any state or federal public agency, municipal corporation, or any person, firm or private corporation to establish and preserve ~~forest and~~ vegetative cover *in forests*, on ~~forest~~ *rangelands* or on watershed lands.

(b) Conduct surveys and studies, formulate plans and perform all acts incidental to the establishment and maintenance of ~~forest and~~ vegetative cover *in forests*, on ~~forest~~ *rangelands* and on watershed lands, including any work necessary to accomplish such purposes.

3. In entering into contracts the State Forester Firewarden shall give priority to, but not be limited to, situations where:

(a) The natural vegetative cover has been destroyed or denuded to the extent that precipitation may create floods and serious soil depletion and erosion.

(b) The denuded area is of a size, and the topography and soil characteristics are of such a nature, that soil loss and floods will have a significant effect upon watershed values and the public welfare.

(c) The vegetative cover will not be restored by natural means in time effectively to prevent undue erosion and flood runoff.

(d) The natural succession of vegetation may be detrimental to the public welfare.

4. The State Forester Firewarden, or any agents of the State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may enter into cooperative agreements with federal agencies, counties, county fire protection districts, cities and private landowners for the purposes set forth in this section.

Sec. 12. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest , *rangeland and watershed land* management and the protection of ~~the forest and watershed~~ *such* areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, rangeland fire protection associations and other organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage ~~forest~~ *vegetation* management and the protection from fire of ~~forest or other~~ lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests , *rangelands* and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 13. NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, rangeland fire protection associations and other organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression, for the purchase, construction and maintenance of forest *and rangeland* protection improvements and equipment and for paying other expenses incidental to the protection of ~~forest and other~~ lands from fire, including any portion of the office and travel

expense of the Division of Forestry of the State Department of Conservation and Natural Resources incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

Sec. 14. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, other fire protection agencies and rangeland fire protection associations to provide for placing any or all portions of the fire protection work under the direction of the agency or association concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest *and rangeland* protection in the cooperative work fund of the respective agency or rangeland fire protection association for disbursement by that agency or association for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↪ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

(e) The maintenance and testing of:

(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and

(2) Smoke control systems.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in ~~the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and~~ the mitigation of the risk of a fire hazard from vegetation in ~~counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.~~ *this State pursuant to paragraph (g) of subsection 1 of NRS 472.040.*

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code, ~~and~~ the International Building Code ~~and~~ and the International Wildland-Urban Interface Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code, ~~and~~ the International Building Code and the International Wildland-Urban Interface Code within ~~1 year~~ 2 years after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 19. NRS 548.430 is hereby amended to read as follows:

548.430 1. The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

~~1.~~ (a) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

~~2.~~ (b) Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and ~~reforestation.~~ *revegetation*.

~~3.~~ (c) Specifications of cropping programs and tillage practices to be observed.

~~4.~~ (d) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

~~5.~~ (e) Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.113, inclusive.

2. As used in this section, "*revegetation*" has the meaning ascribed to it in NRS 528.097.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 472.041, 472.100 and 472.105 are hereby repealed.

Sec. 22. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

472.041 Enforcement of regulations relating to reduction of vegetation around structures.

1. The State Forester Firewarden may, in an area designated pursuant to paragraph (d) of subsection 1 of NRS 472.040, including, without limitation, any land within the 1/2-mile radius surrounding such an area, enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure.

472.100 Fire retardant roofing material to be used in areas designated as fire hazardous; notice of standards; enforcement; penalty.

1. A residential or commercial building must not be constructed, altered, changed or repaired in any area designated by the State Forester Firewarden as fire hazardous if the construction uses roofing materials other than fire retardant roofing materials meeting the standards set by the State Forester Firewarden pursuant to NRS 472.040.

2. The State Forester Firewarden shall notify the governing body of each city or county in which a building code is in effect as soon as standards for fire retardant roofing materials have been established pursuant to paragraph (e) of subsection 1 of NRS 472.040. The governing body is responsible for the enforcement of the provisions of subsection 1 of this section within the areas over which it exercises jurisdiction. No building permit may be issued for construction within the jurisdiction of any such governing body in violation of subsection 1 of this section.

3. The State Forester Firewarden is responsible for the enforcement of the provisions of subsection 1 in all areas of the State in which there is no building code in effect.

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

472.105 Required consultation before adoption of regulations concerning buildings or structures. Before the State Forester Firewarden may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Forester Firewarden shall consult with the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section for the purposes of subsection 9 of NRS 341.100.

Senator Donate moved that the Senate concur in Assembly Amendment No. 545 to Senate Bill No. 33.

Remarks by Senator Donate.

Assembly Amendment No. 545 to Senate Bill No. 33 revises the time frame for which the International Wildland-Urban Interface Code must be adopted from one to two years after publication of the most recently published edition.

Motion carried by a constitutional majority.
Bill ordered enrolled.

Senate Bill No. 36.

The following Assembly amendment was read:

Amendment No. 578.

SUMMARY—Revises provisions relating to plans for responses to crises, emergencies and suicides by schools. (BDR 34-296)

AN ACT relating to education; changing the name of a development committee for a school district or charter school that develops a plan for responding to a crisis, emergency or suicide to ~~[(a crisis)]~~ an emergency operations plan development committee; requiring ~~[(a crisis)]~~ an emergency operations plan development committee to include at least one representative of the county or district board of health; requiring certain plans developed for use by schools in responding to crisis, emergency or suicide to be used in response to all hazards; requiring the Department of Education to include information regarding an epidemic in its model plan for the management of crises, emergencies and suicides; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing body of each charter school and private school to establish a development committee to develop a plan to be used by the schools in the district or the charter school or private school in responding to a crisis, emergency or suicide. (NRS 388.241, 394.1685) Sections 1-6, 8, 9 and 11-19 of this bill change the name of such a committee to ~~[(a crisis)]~~ an "emergency operations plan development committee." Section 2 of this bill requires at least one member of such ~~[(a crisis)]~~ an emergency operations plan development committee be a representative of the county or district board of health and requires the plan to be used for responding to all hazards. Section 2 prohibits the member of ~~[(a crisis)]~~ an emergency operations plan development committee who is a parent or legal guardian of a pupil at the school from being an employee of the school district or charter school. Section 12 of this bill similarly requires a plan developed for a private school to be used for responding to all hazards.

Existing law requires: (1) a development committee to, at least once each year, review and update as appropriate the plan; and (2) the board of trustees of a school district or the governing body of a charter school to post a notice of the completed review or update at each school in its school district or at its charter school. (NRS 388.245) Section 4 of this bill requires the notice to instead be posted on the Internet website maintained by the school district or charter school and each school. Section 14 of this bill provides the same requirement for private schools. Existing law requires a school committee to, at least once each year, review the plan developed by a development committee and consult with certain local emergency management and social services

agencies. (NRS 388.249) Section 5 of this bill removes the requirement to consult with such organizations and requires ~~to a crisis~~ an emergency operations plan development committee to post a notice of completion of such a review on the Internet website maintained by the school. Section 15 of this bill makes a similar change for private schools.

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253, 394.1687) Section 7 of this bill requires the Department to include specific information relating to an epidemic in the model plan.

Existing law provides that the Open Meeting Law does not apply to certain meetings. (NRS 388.261) Section 9 of this bill provides that the Open Meeting Law does not apply to meetings of the board of trustees of a school district or the governing body of a charter school concerning emergency response plans. Existing law requires the principal of each charter school to designate an employee to serve as the school safety specialist for the charter school. (NRS 388.910) Section 10 of this bill requires instead that the governing body of the charter school designate a school safety specialist. Existing law requires the school safety specialist to provide employees of certain public safety agencies with a tour of each school in the school district or the charter school at least once every 3 years. (NRS 388.910) Section 10 instead requires the school safety specialist to provide such employees with an opportunity to become familiar with each blueprint of such a school at least once every 3 years.

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

Section 1. NRS 388.232 is hereby amended to read as follows:

388.232 ~~["Development—"~~*Crisis]* *"Emergency operations plan development* committee" means a committee established pursuant to NRS 388.241.

Sec. 2. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish ~~to~~ an emergency operations plan development ~~to a crisis~~ committee to develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide ~~to~~ *and all other hazards*. The governing body of each charter school shall establish ~~to~~ an emergency operations plan development ~~to a crisis~~ committee to develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide ~~to~~ *and all other hazards*.

2. The membership of ~~to~~ an emergency operations plan development ~~to a crisis~~ committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school ~~{}~~ and who is not an employee of the school district or charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers;

(h) At least one representative of a state or local organization for emergency management; ~~and~~

(i) *At least one representative of the county or district board of health in the county in which the school district or charter school is located, designated by the county or district board of health; and*

(j) At least one mental health professional, including, without limitation:

(1) A counselor of a school in the school district or of the charter school;

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of ~~{}~~ an emergency operations plan development ~~crisis~~ committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(b) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the emergency operations plan development ~~crisis~~ committee that it establishes. Each emergency operations plan development ~~crisis~~ committee may adopt rules for its own management and government.

Sec. 3. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development ~~crisis~~ committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in

responding to a crisis, emergency or suicide ~~[]~~ *and all other hazards*. Each emergency operations plan development ~~crisis~~ committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide ~~[]~~ *and all other hazards*. Each emergency operations plan development ~~crisis~~ committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; and

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide.

3. Each emergency operations plan development ~~crisis~~ committee shall provide *for review* a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for ~~approval~~ *review* to the Division of Emergency Management of the Department of Public Safety the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

Sec. 4. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each emergency operations plan development ~~crisis~~ committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the emergency operations plan development ~~crisis~~ committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each emergency operations plan development ~~crisis~~ committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for ~~approval~~ *review* to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its emergency operations plan development ~~crisis~~ committee performs pursuant to subsection 1 ~~at~~ *on the Internet website maintained by the school district or governing body and by each school in* ~~its~~ *the school district or* ~~at its~~ *by the charter school* ~~it~~, *as applicable*;

(b) File with the Department a copy of the notice ~~provided~~ *posted* pursuant to paragraph (a);

(c) Post a ~~copy of~~ link to NRS 388.229 to 388.266, inclusive, ~~at~~ *on the Internet website maintained by each school in its school district or ~~at its~~ by the charter school;*

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; and

(2) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive.

Sec. 5. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan ~~to:~~

~~(a) Consult with the local social service agencies and law enforcement agencies in the county, city or town in which its school is located.~~

~~(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.~~

~~—(e) Consider~~, consider the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or other similar emergency.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the emergency operations plan development ~~crisis~~ committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the emergency operations plan development ~~crisis~~ committee pursuant to NRS 388.251.

4. Each public school shall post ~~at the school~~ on the Internet website maintained by the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 6. NRS 388.251 is hereby amended to read as follows:

388.251 1. ~~1. A~~ An emergency operations plan development ~~crisis~~ committee that receives a proposed deviation from a school committee pursuant to NRS 388.249 shall, within 60 days after it receives the proposed deviation:

- (a) Review the proposed deviation and any information submitted with the proposed deviation; and
- (b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. ~~1. A~~ An emergency operations plan development ~~crisis~~ committee shall provide a copy of each deviation that it approves pursuant to this section to the board of trustees of the school district that established the committee or to the governing body of the charter school that established the committee.

Sec. 7. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:

- (a) A suicide; ~~or~~
- (b) A crisis or emergency that involves a public school or a private school and that requires immediate action ~~or~~; and
- (c) All other hazards.

2. The model plan must include, without limitation, a procedure for:

- (a) In response to a crisis or emergency:
 - (1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;
 - (2) Accounting for all persons within a school;
 - (3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;
 - (4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school,

including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school;

(10) Providing shelter in specific areas of a school; and

(11) Providing disaster behavioral health related to a crisis, emergency or suicide;

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An incident involving a fire, explosion or other similar situation;

(5) An outbreak of disease ~~+~~, *including, without limitation, an epidemic;*

(6) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(7) Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis or emergency with access to counseling and other resources to assist in recovering from the crisis or emergency;

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school;

(e) Selecting an assessment tool which assists in responding to a threat against the school by a pupil or pupils;

(f) On an annual basis, providing drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency. Such drills must occur:

(1) At different times during normal school hours; and

(2) In cooperation with other state agencies, pursuant to this section.

(g) Responding to a suicide or attempted suicide to mitigate the effects of the suicide or attempted suicide on pupils and staff at the school, including, without limitation, by making counseling and other appropriate resources to

assist in recovering from the suicide or attempted suicide available to pupils and staff;

(h) Providing counseling and other appropriate resources to pupils and school staff who have contemplated or attempted suicide;

(i) Outreach to persons and organizations located in the community in which a school that has had a suicide by a pupil, including, without limitation, religious and other nonprofit organizations, that may be able to assist with the response to the suicide;

(j) Addressing the needs of pupils at a school that has experienced a crisis, emergency or suicide who are at a high risk of suicide, including, without limitation, pupils who are members of the groups described in subsection 3 of NRS 388.256; and

(k) Responding to a pupil who is determined to be a person in mental health crisis, as defined in NRS 433A.0175, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for admission pursuant to NRS 433A.150.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 8. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed or approved pursuant to NRS 388.243 or updated or approved pursuant to NRS 388.245, a deviation and any information submitted to ~~for~~ an emergency operations plan development

~~Review~~ committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115, 388.229 to 388.266, inclusive, and 393.045 must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 9. NRS 388.261 is hereby amended to read as follows:

388.261 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. ~~1. A~~ An emergency operations plan development ~~Review~~ committee;
2. A school committee;
3. *The board of trustees of a school district or governing body of a charter school if the meeting concerns the review of a plan submitted pursuant to subsection 3 of NRS 388.243 or a summary presented or provided pursuant to paragraph (e) or (i) of subsection 2 of NRS 388.910;*
4. The State Board if the meeting concerns a regulation adopted pursuant to NRS 388.255;
- ~~4.~~ 5. The Department of Education if the meeting concerns the model plan developed pursuant to NRS 388.253; or
- ~~5.~~ 6. The Division of Emergency Management of the Department of Public Safety if the meeting concerns the ~~approval~~ review of a plan developed pursuant to NRS 388.243 or the ~~approval~~ review of a plan updated pursuant to NRS 388.245.

Sec. 10. NRS 388.910 is hereby amended to read as follows:

388.910 1. The superintendent of schools of each school district shall designate an employee at the district level to serve as the school safety specialist for the district. The ~~principal~~ governing body of each charter school shall designate an employee to serve as the school safety specialist for the charter school. Not later than 1 year after being designated pursuant to this subsection, a school safety specialist shall complete the training provided by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323.

2. A school safety specialist shall:

(a) Review policies and procedures of the school district or charter school, as applicable, that relate to school safety to determine whether those policies and procedures comply with state laws and regulations;

(b) Ensure that each school employee who interacts directly with pupils as part of his or her job duties receives information concerning mental health services available in the school district or charter school, as applicable, and persons to contact if a pupil needs such services;

(c) Ensure the provision to school employees and pupils of appropriate training concerning:

- (1) Mental health;
- (2) Emergency procedures, including, without limitation, the plan developed pursuant to NRS 388.243; and
- (3) Other matters relating to school safety and security;

(d) Annually conduct a school security risk assessment and submit the school security risk assessment to the Office for a Safe and Respectful Learning Environment for review pursuant to NRS 388.1323;

(e) Present a summary of the school security risk assessment conducted pursuant to paragraph (d) and any recommendations to improve school safety and security based on the assessment at a ~~public~~ meeting of the board of trustees of the school district or governing body of the charter school, as applicable;

(f) Not later than 30 days after the meeting described in paragraph (e), provide to the Director a summary of the school security risk assessment, any recommendations to improve school safety and security based on the assessment and any actions taken by the board of trustees or governing body, as applicable, based on those recommendations;

(g) Serve as the liaison for the school district or charter school, as applicable, with local public safety agencies, other governmental agencies, nonprofit organizations and the public regarding matters relating to school safety and security;

(h) At least once every 3 years, provide ~~for a tour of each school in the district or the charter school, as applicable, to~~ employees of public safety agencies that are likely to be first responders to a crisis, emergency or suicide *or other hazard* at ~~the~~ a public school ~~for~~ an opportunity to participate in an activity to familiarize themselves with the blueprints of the school in a manner that complies with NRS 393.045; and

(i) Provide ~~for a written record~~ to the board of trustees of the school district or the governing body of the charter school, as applicable, ~~for~~ any recommendations made by an employee of a public safety agency as a result of ~~for a tour~~ an activity provided pursuant to paragraph (h). The board of trustees or governing body, as applicable, shall maintain a *confidential* record of such recommendations.

3. In a school district in a county whose population is 100,000 or more, the school safety specialist shall collaborate with the emergency manager designated pursuant to NRS 388.262 where appropriate in the performance of the duties prescribed in subsection 2.

4. As used in this section:

(a) "Crisis" has the meaning ascribed to it in NRS 388.231.

(b) "Emergency" has the meaning ascribed to it in NRS 388.233.

Sec. 11. NRS 394.1682 is hereby amended to read as follows:

394.1682 ~~["Development—"~~*Crisis*~~"]~~ *"Emergency operations plan development committee"* means a committee established pursuant to NRS 394.1685.

Sec. 12. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish ~~for~~ an *emergency operations plan development* ~~for crisis~~ committee to develop a plan to be used by the private school in responding to a crisis, emergency or suicide ~~for~~ and all other hazards.

2. The membership of ~~the~~ an emergency operations plan development ~~committee~~ committee consists of:

- (a) At least one member of the governing body;
- (b) At least one administrator of the school;
- (c) At least one teacher of the school;
- (d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;
- (e) At least one parent or legal guardian of a pupil who is enrolled in the school ~~and who is not an employee of the school~~;
- (f) At least one representative of a local law enforcement agency in the county in which the school is located; and
- (g) At least one representative of a state or local organization for emergency management.

3. The membership of ~~the~~ an emergency operations plan development ~~committee~~ committee may also include any other person whom the governing body deems appropriate, including, without limitation:

- (a) A counselor of the school;
- (b) A psychologist of the school;
- (c) A licensed social worker of the school;
- (d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and
- (e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the emergency operations plan development ~~committee~~ committee that it established. Each emergency operations plan development ~~committee~~ committee may adopt rules for its own management and government.

Sec. 13. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each emergency operations plan development ~~committee~~ committee shall develop a plan to be used by its school in responding to a crisis, emergency or suicide ~~and all other hazards~~. Each emergency operations plan development ~~committee~~ committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school is located.

(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded,

including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; and

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each emergency operations plan development ~~crisis~~ committee shall provide *for review* a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 14. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each emergency operations plan development ~~crisis~~ committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the emergency operations plan development ~~crisis~~ committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. On or before July 1 of each year, each emergency operations plan development ~~crisis~~ committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its emergency operations plan development ~~crisis~~ committee performs pursuant to subsection 1 ~~at~~ *on the Internet website maintained by the school*;

(b) File with the Department a copy of the notice ~~provided~~ *posted* pursuant to paragraph (a);

(c) Post a ~~copy of~~ *link to* NRS 388.253 and 394.168 to 394.1699, inclusive, ~~at~~ *on the Internet website maintained by the school*;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) On or before July 1 of each year, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

- (1) The Department;
- (2) A local public safety agency in the county in which the school is located;
- (3) The Division of Emergency Management of the Department of Public Safety;
- (4) The local organization for emergency management, if any;
- (5) A local agency that is included in the plan; and
- (6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

4. As used in this section, "public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 15. NRS 394.1691 is hereby amended to read as follows:

394.1691 1. Each school committee shall, at least once each year, review the plan developed for its school pursuant to NRS 394.1687 and determine whether the school should deviate from the plan.

2. Each school committee shall ~~[- when reviewing the plan, consult with:—(a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.—(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.]~~ *consider the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or similar emergency.*

3. If a school committee determines that its school should deviate from the plan, the school committee shall notify the emergency operations plan development ~~crisis~~ committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the emergency operations plan development ~~crisis~~ committee pursuant to NRS 394.1692.

4. Each private school shall post ~~[-at]~~ *on the Internet website maintained by the school* a notice of the completion of each review that its school committee performs pursuant to this section.

Sec. 16. NRS 394.1692 is hereby amended to read as follows:

394.1692 1. ~~[-A]~~ *An emergency operations plan development ~~crisis~~* committee that receives a proposed deviation from a school committee pursuant to NRS 394.1691 shall, within 60 days after it receives the proposed deviation:

(a) Review the proposed deviation and any information submitted with the proposed deviation; and

(b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. ~~[(A)]~~ An emergency operations plan development ~~(crisis)~~ committee shall provide a copy of each deviation that it approves pursuant to this section to the governing body of the private school that established the committee.

Sec. 17. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to ~~[(a)]~~ An emergency operations plan development ~~(crisis)~~ committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 18. NRS 394.1699 is hereby amended to read as follows:

394.1699 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. ~~[(A)]~~ An emergency operations plan development ~~(crisis)~~ committee;
2. A school committee; or
3. The Board if the meeting concerns a regulation adopted pursuant to NRS 394.1694.

Sec. 19. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this State. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated

process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall:

(a) Except as otherwise provided in NRS 232.3532, develop written plans for the mitigation of, preparation for, response to and recovery from emergencies and disasters. The plans developed by the Chief pursuant to this paragraph must include the information prescribed in NRS 414.041 to 414.044, inclusive.

(b) Conduct activities designed to:

(1) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(2) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(3) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(4) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(5) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to NRS 414A.100;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to NRS 414.075 or chapter 414A of NRS;

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as agents of the State during a response to a request for mutual aid pursuant to NRS 414.075 or 414A.130; and

(d) Provide notice:

(1) On or before February 15 of each year to the governing body of each political subdivision of whether the political subdivision has complied with the requirements of NRS 239C.250;

(2) On or before February 15 of each year to the Chair of the Public Utilities Commission of Nevada of whether each utility that is not a

governmental utility and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(3) On or before February 15 of each year to the Governor of whether each governmental utility described in subsection 1 of NRS 239C.050 and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(4) On or before February 15 of each year to the governing body of each governmental utility described in subsection 2 of NRS 239C.050 and each provider of new electric resources of whether each such governmental utility has complied with the requirements of NRS 239C.270;

(5) On or before August 15 of each year to the Superintendent of Public Instruction of whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with the requirements of NRS 388.243 or 394.1687, as applicable; and

(6) On or before November 15 of each year to the Chair of the Nevada Gaming Control Board of whether each resort hotel has complied with the requirements of NRS 463.790.

6. The Division shall:

(a) Perform the duties required pursuant to chapter 415A of NRS;

(b) Perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government;

(c) Adopt regulations setting forth the manner in which federal funds received by the Division to finance projects related to emergency management and homeland security are allocated, except with respect to any funds committed by specific statute to the regulatory authority of another person or agency, including, without limitation, funds accepted by the State Emergency Response Commission pursuant to NRS 459.740; and

(d) Submit a written report to the Nevada Commission on Homeland Security within 60 days of making a grant of money to a state agency, political subdivision or tribal government to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism that includes, without limitation:

(1) The total amount of money that the state agency, political subdivision or tribal government has been approved to receive for the project or program;

(2) A description of the project or program; and

(3) An explanation of how the money may be used by the state agency, political subdivision or tribal government.

7. The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall provide the guide to:

(a) Each political subdivision required to adopt a response plan pursuant to NRS 239C.250;

(b) Each utility and each provider of new electric resources required to prepare and maintain an emergency response plan pursuant to NRS 239C.270;

(c) Each emergency operations plan development ~~crisis~~ committee required to develop a plan to be used in responding to a crisis, emergency or suicide *and all other hazards* by:

(1) A public school or charter school pursuant to NRS 388.243; or

(2) A private school pursuant to NRS 394.1687; and

(d) Each resort hotel required to adopt an emergency response plan pursuant to NRS 463.790.

Sec. 20. This act becomes effective upon passage and approval.

Senator Dondero Loop moved that the Senate concur in Assembly Amendment No. 578 to Senate Bill No. 36.

Remarks by Senator Dondero Loop.

Assembly Amendment No. 578 to Senate Bill No. 36 changes the name of a district crisis committee to an emergency operations plan development committee.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Joint Resolutions Nos. 6, 7, 11; Senate Concurrent Resolutions Nos. 5, 8.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Harley Glover and former Assemblyman Al Kramer.

Senator Cannizzaro moved that the Senate adjourn until Friday, May 21, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 9:09 p.m.

Approved:

MOISES DENIS

President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate