

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 14, 2023

Assembly called to order at 11:54 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

“Every good gift and every perfect gift is from above, and comes down from the Father of lights, with whom there is no variation or shadow of turning.” James 1:17.

Father, we give You thanks today for our many blessings and the good gifts You have given. We invite Your Holy Spirit to lead us and guide us as we represent the people of our great state of Nevada.

May the words of our mouths and the meditations of our hearts, be acceptable in Your sight, our Rock and Redeemer. May we speak with kindness and grace to all.

We pray for our families, our co-workers, and the tasks given to each one, that we will do today well.

Give wisdom, discernment, courage, and protection to those serving in harm’s way. In Jesus’ Name, for Your glory.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 357, 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 139, 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 114, 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 116, 119, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 50, 159, 411, 452, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 394; Assembly Joint Resolutions Nos. 5, 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 295, 359, 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue, to which were referred Assembly Bills Nos. 445, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SHEA BACKUS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 13, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 137, 403.

SARAH COFFMAN
Fiscal Analysis Division

April 14, 2023

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Assembly Bill No. 200, Assembly Bill No. 243 and Assembly Joint Resolution 4 are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

BRENDA J. ERDOES
LCB Director

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager.

For: Assembly Bill No. 404.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 14, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 6.

Bill read second time and ordered to third reading.

Assembly Bill No. 21.

Bill read second time.

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

Amendment No. 16.

AN ACT relating to financial services; revising the powers and duties of the Commissioner of Financial Institutions with respect to the licensure and regulation of persons engaged in the business of money transmission; exempting certain persons from provisions governing money transmission; revising provisions relating to the issuance and renewal of licenses to engage in the business of money transmission; revising provisions relating to the confidentiality of certain records maintained by the Commissioner; imposing certain requirements and restrictions on applicants for a license, licensees, authorized delegates, key individuals and persons seeking to acquire control

of a licensee; setting forth certain requirements for transactions involving money transmission; revising provisions relating to the suspension, revocation or denial of renewal of a license; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation by the Commissioner of Financial Institutions of persons engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits. (Chapter 671 of NRS) This bill adds to, revises and repeals various provisions in the existing statutory scheme governing the licensure and regulation of such persons for the purposes of establishing a statutory scheme governing persons engaged in the business of money transmission which is modeled, in general, after the Model Money Transmission Modernization Act approved by the Conference of State Bank Supervisors.

Sections 4-32 of this bill define words and terms for the purposes of this bill. **Section 20** of this bill defines “money transmission” to mean: (1) selling or issuing payment instruments to a person located in this State; (2) selling or issuing stored value to a person located in this State; or (3) receiving money or credits for transmission from a person located in this State. **Section 20** provides that the term includes payroll processing services and does not include the provision of certain other services.

Section 66 of this bill exempts certain specified persons from the provisions of this bill. **Section 34** of this bill authorizes the Commissioner to exempt additional persons under certain circumstances. **Section 35** of this bill authorizes the Commissioner to require any person claiming an exemption to provide certain proof of that exemption.

Existing law provides that certain reports relating to investigations, hearings and examinations conducted by the Commissioner to determine whether a licensee or other person has committed a violation of the provisions governing money transmission are confidential. (NRS 671.170) **Sections 37 and 82** of this bill make certain additional information and documents confidential and set forth the circumstances under which such information and documents may be disclosed.

Section 36 of this bill authorizes the Commissioner to engage in various activities to carry out the purposes of the provisions of ~~this bill, including, among other things, imposing proportionate and equitable fees and costs for actions required to achieve the purposes of~~ this bill.

Section 67 of this bill prohibits a person from engaging in the business of money transmission unless the person: (1) has been issued a license; or (2) is an authorized delegate of a licensee that is acting within the scope of authority conferred by a written contract with the licensee. **Section 68** of this bill sets forth certain requirements for an application for a license. **Section 69** of this bill sets forth the circumstances under which the Commissioner is required to issue a license to an applicant. **Section 70** of this bill sets forth certain requirements for the renewal of a license.

Section 38 of this bill requires a licensee who wishes to engage in the business of money transmission through an authorized delegate to: (1) enter into a written contract with the authorized delegate that meets certain requirements; and (2) take certain other actions. **Section 71** of this bill makes a conforming change to refer to an authorized delegate instead of a duly appointed agent.

Existing law requires all money or credit received by an agent of a licensee from the sale and issuance of checks or for the purpose of transmission to be remitted to the licensee or deposited with a bank or credit union authorized to do business in this State within a certain amount of time following the receipt of the money or credits. (NRS 671.150) **Sections 38, 40 and ~~77~~ 84** of this bill revise requirements regarding the remittance of money, credits or monetary value by a person who engages in money transmission on behalf of a licensee. **Section ~~77~~ 38** requires ~~all~~ an authorized delegate to remit and handle money, credits and monetary value ~~received by an authorized delegate for money transmission to be remitted to~~ in accordance with the terms of the written contract entered into with the licensee. **Section 38** defines “remit” to mean, in general, to make a direct payment of money, credits or monetary value to a licensee or to deposit money in an account in a bank or credit union specified by the licensee. **Section 38** provides that all money net of fees received by an authorized delegate from money transmission is held in trust by the authorized delegate to the benefit of the licensee. **Section 40** provides that an authorized delegate who knowingly fails to remit money held in trust for the benefit of a licensee is guilty of a misdemeanor.

Section 39 of this bill provides that a person who engages in the business of money transmission on behalf of an unlicensed person who is not exempt from licensure is jointly and severally liable with the person.

Sections 40-44 of this bill set forth certain requirements relating to transactions involving money transmission. **Section 33** of this bill sets forth the method for determining whether a transaction involving money transmission takes place in this State.

Existing law requires a licensee to at all times maintain certain securities or assets having a value that is equal to or more than the aggregate liability of the licensee with respect to checks sold and issued and money or credits received for transmission. (NRS 671.150) **Section ~~77 eliminates~~ 84 repeals** that requirement. **Section 45** of this bill instead requires a licensee to maintain at all times permissible investments with a market value of not less than the aggregate amount of all of the outstanding money transmission obligations, as defined in **section 23** of this bill, of the licensee. **Sections 46 and 47** of this bill set forth the investments that qualify as permissible investments for the purposes of **section 45**.

Existing law requires a licensee to have in force a surety bond meeting certain requirements. (NRS 671.100) **Section 74** of this bill revises the requirements for such a surety bond. **Section 49** of this bill requires a licensee to at all times maintain a tangible net worth in a specified amount. **Sections**

56-61 of this bill impose certain requirements on a licensee concerning reporting and recordkeeping. **Section 78** of this bill eliminates certain reporting requirements for a licensee.

Existing law requires the rates charged for services related to money transmission to be posted in every place of business licensed or covered by a license. ~~[] and prohibits fees from being charged or collected in excess of the posted rates.~~ (NRS 671.140) ~~Section [76 of this bill additionally requires such rates to be posted on the Internet website of each licensee and authorized delegate.]~~ **84 repeals those provisions.**

Section 50 of this bill requires a person or group of persons acting in concert seeking to acquire control of a licensee to obtain the approval of the Commissioner before acquiring control of the licensee. **Section 50** sets forth the process for obtaining such approval. **Section 51** of this bill establishes a process by which a person may request that the Commissioner determine whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. **Section 52** of this bill sets forth certain persons who are not required to comply with the requirements of **section 50** under certain circumstances.

Section 53 of this bill requires a licensee to provide certain notice to the Commissioner if the licensee adds or replaces a “key individual,” which **section 13** of this bill defines, in general, to mean any natural person ultimately responsible for establishing or directing policies and procedures of a licensee. **Section 53** authorizes the Commissioner to disapprove a key individual under certain circumstances.

Existing law authorizes the Commissioner to participate in the Nationwide Multistate Licensing System and Registry and sets forth various actions the Commissioner is authorized to take relating to participating in the Registry. (NRS 671.092) **Section 72** of this bill authorizes the Commissioner to take certain additional actions relating to the Registry. **Section 54** of this bill authorizes the Commissioner to participate in certain multistate supervisory processes.

Existing law requires an applicant for a license and certain other persons to submit to the Registry a complete set of fingerprints and certain information relating to the background of the person. (NRS 671.098) **Section 73** of this bill: (1) requires certain additional information to be submitted to the Commissioner through the Registry; and (2) revises the list of persons who are required to submit a complete set of fingerprints and such information.

Section 75 of this bill revises provisions relating to examinations of licensees conducted by the Commissioner.

Existing law authorizes the Commissioner to issue an order requiring the immediate cessation of the business of a licensee under certain circumstances. (NRS 671.160) **Section 63** of this bill authorizes the Commissioner to issue an order requiring a licensee or authorized delegate to cease and desist certain violations. **Section 62** of this bill authorizes the Commissioner to issue an order suspending or revoking the designation of an authorized delegate under

certain circumstances. **Section 64** of this bill authorizes the Commissioner to resolve a matter arising from a violation or alleged violation by a person through a consent order.

Section 79 of this bill revises the list of acts that constitute grounds for suspension, revocation or denial of renewal of a license. **Section 48** of this bill authorizes the Commissioner to suspend or revoke the license of a licensee if the licensee does not continue to meet the requirements applicable to an applicant for a license.

~~[Section 80 of this bill authorizes the Commissioner to impose a civil penalty for any violation of the provisions of this bill of not more than \$1,000 per day of the violation.]~~ **Section 81** of this bill provides that any person who, without a license, knowingly engages in any activity for which a license is required is guilty of a misdemeanor.

Section 55 of this bill provides that, if a provision of this bill is inconsistent with a federal law governing money transmission, the federal law governs to the extent of the inconsistency. **Section 65** of this bill requires that consideration of the need to promote uniformity of the law with respect to money transmission be given in applying and construing the provisions of this bill.

Section 83 of this bill authorizes a person who is licensed on June 30, 2023, to engage in the business of selling or issuing checks or of receiving for transmission money or credits to continue engaging in such business in accordance with the provisions of existing law as they existed before July 1, 2023, until January 1, 2024.

Section 84 ~~[of this bill]~~ repeals certain provisions relating to an agent of a licensee ~~and~~ certain qualifications for licensure ~~and~~ **and certain requirements imposed on licensees and their agents.** **Section 84** also repeals the definition of “check,” “licensee” and “Nationwide Multistate Licensing System and Registry.” **Sections 14 and 22** of this bill, respectively, reenact the definitions of “licensee” and “Nationwide Multistate Licensing System and Registry.” **Section 1** of this bill makes a conforming change to reflect the terminology used to describe persons licensed to engage in the business of money transmission as set forth in this bill.

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

Section 1. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

- (a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;
- (b) Collection agency that is supervised pursuant to chapter 649 of NRS;
- (c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of ~~[selling or issuing checks or of receiving for transmission or transmitting]~~ money ~~[or credits]~~ **transmission** that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(i) Credit union that is supervised pursuant to chapter 672 of NRS.

(j) Consumer litigation funding company that is supervised pursuant to chapter 604C of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 2. Chapter 671 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 65, inclusive, of this act.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 32, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Authorized delegate” means a person designated by a licensee to engage in money transmission on behalf of the licensee.*

Sec. 5. *“Average daily money transmission liability” means the amount of the outstanding money transmission obligations of the licensee in this State at the end of each day in a calendar quarter, added together and divided by the number of days in the calendar quarter.*

Sec. 6. *“Bank Secrecy Act” means the Bank Secrecy Act, 31 U.S.C. §§ 5311 et seq., as amended, and the regulations adopted pursuant thereto.*

Sec. 7. *“Calendar quarter” has the meaning ascribed to it in NRS 702.020.*

Sec. 8. *“Closed loop stored value” means stored valued that is redeemable by the issuer only for goods or services provided by the issuer, its affiliate or a franchisee of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value.*

Sec. 9. 1. *“Control” means:*

(a) *The power to vote, directly or indirectly, at least 25 percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;*

(b) *The power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee; or*

(c) *The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.*

2. *A person is presumed to exercise control if the person holds the power to vote, directly or indirectly, at least 10 percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee. This presumption may be rebutted by a showing that the person is a passive investor.*

3. *In determining the percentage of a person controlled by any other person, the interest of the person must be aggregate with the interest of any other immediate family member. For the purposes of this subsection, “immediate family member” means the spouse, parent, child, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law and sister-in-law of a person and any person who shares the home of the person.*

Sec. 10. 1. *“Eligible rating” means a credit rating that is within any of the three highest rating categories of a least one eligible rating service. Each rating category may include category modifiers such as “plus” or “minus” for Standard and Poor’s Rating Services or the equivalent for any other eligible rating service.*

2. *The term includes:*

(a) *A long-term credit rating of “A-” or higher by Standards and Poor’s Rating Services or the equivalent from any other eligible rating service.*

(b) *A short-term credit rating of “A-2” or “SP-2” or higher by Standard and Poor’s Rating Services or the equivalent form any other eligible rating service.*

Sec. 11. *“Eligible rating service” means any nationally recognized statistical rating organization, as defined in 15 U.S.C. § 78c, or any other organization designated by the Commissioner.*

Sec. 12. *“Federally insured depository financial institution” means a bank, credit union, savings and loan association, savings association, savings bank, industrial bank or industrial loan company organized under the laws of any state or of the United States, when the bank, credit union, savings and loan association, savings association, savings bank, industrial bank or industrial loan company has deposits which are federally insured.*

Sec. 13. *“Key individual” means any natural person ultimately responsible for establishing or directing policies and procedures of a licensee, such as an executive officer, manager, director or trustee.*

Sec. 14. *“Licensee” means any person licensed under this chapter.*

Sec. 15. *“Material litigation” means litigation that, according to generally accepted accounting principles in the United States, is significant to the financial health of a person and would be required to be disclosed by the person in an annual audited financial statement, report to shareholders or similar record.*

Sec. 16. *“Monetary value” means a medium of exchange, whether or not redeemable in money.*

Sec. 17. *“Money” means a medium of exchange that is authorized or adopted by the United States or a foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.*

Sec. 18. *“Money or credits received for transmission” means any money, credits or monetary value received in the United States for transmission within or outside the United States by electronic or other means.*

Sec. 19. *“Money services business accredited state” means a state agency that is accredited by the Conference of State Bank Supervisors and the Money Transmitter Regulators Association for money transmission licensing and supervision.*

Sec. 20. 1. *“Money transmission” means any of the following:*

(a) *Selling or issuing payment instruments to a person located in this State.*

(b) *Selling or issuing stored value to a person located in this State.*

(c) *Receiving money or credits for transmission from a person located in this State.*

2. *The term includes payroll processing services.*

3. *The term does not include the provision solely of online or telecommunications services or network access.*

Sec. 21. *“Multistate licensing process” means any agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations or notice and information requirements for a change of key individuals.*

Sec. 22. *“Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in NRS 604A.083.*

Sec. 23. 1. “Outstanding money transmission obligation” means:

(a) Any payment instrument or stored value issued or sold by a licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee or escheated in accordance with applicable abandoned property laws; or

(b) Any money or credits received for transmission by a licensee or an authorized delegate in the United States from a person located in the United States that has not yet been received by the payee or refunded to the sender or escheated in accordance with the applicable abandoned property laws.

2. For the purposes of this section, a person is located in the United States if the person is located in any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a United States military installation that is located in a foreign county.

Sec. 24. “Passive investor” means a person that:

1. Does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee;

2. Is not employed by and does not have any managerial duties of a licensee or person in control of a licensee;

3. Does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

4. Does either of the following:

(a) Attests to the characteristics set forth in subsections 1, 2 and 3 in a form prescribed by the Commissioner; or

(b) Commits to the characteristics set forth in subsections 1, 2 and 3 in a written document.

Sec. 25. 1. “Payment instrument” means a written or electronic check, draft, money order, traveler’s check or other written or electronic instrument for the transmission or payment of money or monetary value, whether or not negotiable.

2. The term does not include stored value or any instrument that is:

(a) Redeemable by the issuer only for goods or services provided by the issuer or its affiliate or a franchisee of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value; or

(b) Not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

Sec. 26. “Payroll processing services” means receiving money or credits for transmission pursuant to a contract with a person to:

1. Deliver wages or salaries;

2. Make payment of payroll taxes to a state or federal agency;

3. Make payments relating to an employee benefit plan; or

4. *Make distributions of other authorized deductions from wages or salaries.*

Sec. 27. *“Person” means any natural person, general partnership, limited partnership, limited liability company, corporation, trust, association, joint stock corporation or other corporate entity identified by the Commissioner.*

Sec. 28. *“Privately insured depository financial institution” means a credit union, thrift company or industrial loan company organized and regulated under the laws of this State, when such a credit union or thrift company has deposits which are insured by a private insurer approved by the Commissioner and the Commissioner of Insurance.*

Sec. 29. *“Receiving money or credits for transmission” means the act of receiving money, credits or monetary value in the United States for transmission within or outside the United States by electronic or other means.*

Sec. 30. 1. *“Stored value” means monetary value representing a claim against the issuer evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value or payment for goods or services.*

2. *The term includes, without limitation, “prepaid access,” as defined in 31 C.F.R. § 1010.100, as amended.*

3. *The term does not include a payment instrument, closed loop stored value or monetary value described in subsection 1 that is not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.*

Sec. 31. *“Tangible net worth” means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with generally accepted accounting principles in the United States.*

Sec. 32. *“USA Patriot Act” means the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56.*

Sec. 33. *For the purposes of this chapter, a transaction involving money transmission takes place in this State if:*

1. *For a transaction requested in person, the transaction is requested by a person at a physical location in this State.*

2. *For a transaction requested electronically or by telephone, the provider of money transmission determines that the person requesting the transaction is located in this State based on the information available to the provider. Such information may include, without limitation:*

(a) *Information provided by the person regarding the residential address of the person, if the person is a natural person, or the address of the principal place of business or other physical address of the person, if the person is a business entity; and*

(b) Any other information contained in the records of the provider of money transmission which indicate the location of the person, including, without limitation, an address associated with an account.

Sec. 34. The Commissioner may, by regulation or order, exempt a person who is not specified in NRS 671.020 from the provisions of this chapter if the Commissioner determines that the exemption is in the public interest and the regulation of the person is not necessary for the purposes of this chapter.

Sec. 35. The Commissioner may require any person claiming to be exempt from the provisions of this chapter pursuant to NRS 671.020 to provide to the Commissioner information and documentation demonstrating that the person qualifies for any claimed exemption.

Sec. 36. 1. To carry out the purposes of this chapter, the Commissioner may:

(a) Enter into agreements or relationships with other governmental officials, federal and state regulatory agencies and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures and sharing resources, records or related information obtained under this chapter;

(b) Use, hire, contract or employ analytical systems, methods or software to examine or investigate any person subject to this chapter;

(c) Accept from other state or federal governmental agencies or officials licensing, examination or investigation reports made by such agencies or officials; and

(d) Accept audit reports made by an independent certified public accountant or other qualified third-party auditor for an applicant for a license or licensee and incorporate the audit report into any report of examination or investigation.

2. The Commissioner shall administer, interpret and enforce the provisions of this chapter and may adopt such regulations as the Commissioner deems appropriate for those purposes. ~~In addition to any other fees authorized by this chapter, the Commissioner may impose and collect proportionate and equitable fees and costs associated with any actions required to achieve the purposes of this chapter.~~

Sec. 37. 1. Except as otherwise provided in NRS 239.0115 and this section, the following information and documents are confidential, are not subject to any subpoena and must not be made public:

(a) Any information or reports obtained by the Commissioner from an applicant, licensee or authorized delegate;

(b) Any information contained in or related to an operating report or condition report prepared by, on behalf of or for the use of the Commissioner; and

(c) Any financial statement or balance sheet of a licensee or authorized delegate.

2. *The Commissioner may disclose the information described in subsection 1 and NRS 671.170:*

(a) To a representative of a state or federal agency who promises in a record to maintain the confidentiality of the information; and

(b) To any person if the Commissioner finds that justice and the public advantage will be served by the disclosure of the information.

3. *The provisions of this section do not prohibit the Commissioner from disclosing to the public a list of each licensee.*

4. *The Commissioner may make available to the public on the Internet website of the Division of Financial Institutions, upon receipt by the Division of Financial Institutions of a written request or in the Registry, any information in the records of the Division of Financial Institutions that is not confidential, including, without limitation:*

(a) The name, business address, telephone number and unique identifier of a licensee;

(b) The business address of the registered agent of a licensee who has been designated to receive service on behalf of the licensee;

(c) The name, business address and telephone number of all authorized delegates of a licensee;

(d) The terms of or a copy of any surety bond filed by a licensee, so long as any confidential information, including, without limitation, prices and fees for such bond, is redacted;

(e) A copy of any final order of the Division of Financial Institutions which is not confidential and related to any violation of this chapter or a regulation adopted pursuant thereto; and

(f) The imposition of an administrative fine or penalty pursuant to this chapter.

5. *As used in this section, “unique identifier” has the meaning ascribed to it in NRS 671.099.*

Sec. 38. 1. *A licensee shall not engage in any business of money transmission through an authorized delegate or allow a person to act as an authorized delegate unless the licensee has:*

(a) Adopted, and updated as necessary, written policies and procedures reasonably designed to ensure that authorized delegates of the licensee comply with applicable state and federal laws;

(b) Entered into a written contract with the authorized delegate that complies with subsection 3; and

(c) Conducted a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied with and likely will comply with applicable state and federal laws.

2. *An authorized delegate shall operate in compliance with the provisions of this chapter.*

3. *A written contract required pursuant to subsection 1 must be signed by the licensee and the authorized delegate and must:*

(a) Appoint the person proposed to be an authorized delegate who is signing the contract as the authorized delegate of the licensee with the authority to conduct money transmission on behalf of the licensee;

(b) Set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties;

(c) Require the authorized delegate to agree to comply fully with all applicable state and federal laws, rules and regulations pertaining to money transmission, including, without limitation, the provisions of this chapter, the regulations adopted pursuant thereto and the relevant provisions of the Bank Secrecy Act and the USA Patriot Act;

(d) Require the authorized delegate to remit and handle money, credits and monetary value in accordance with ~~NRS 671.150 and~~ the terms of the contract between the licensee and the authorized delegate;

(e) Impose a trust on money, credits and monetary value received for money transmission, net of fees, for the benefit of the licensee;

(f) Require the authorized delegate to prepare and maintain records as required by this chapter and the regulations adopted pursuant thereto, or as reasonably requested by the Commissioner;

(g) Acknowledge that the authorized delegate consents to examination or investigation by the Commissioner;

(h) State that the licensee is subject to regulation by the Commissioner and that, as part of that regulation, the Commissioner may suspend or revoke the designation of an authorized delegate or require the licensee to terminate the designation of an authorized delegate; and

(i) Acknowledge receipt of the written policies and procedures required by subsection 1.

4. If the license of a licensee is suspended, revoked, surrendered or expired, the licensee must, within 5 business days after the date on which such action occurred, provide documentation to the Commissioner that the licensee has notified all applicable authorized delegates of the licensee whose names are in a record filed with the Commissioner of the suspension, revocation, surrender or expiration of the license. Upon suspension, revocation, surrender or expiration of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.

5. An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If any authorized delegate commingles any money or credits received from money transmission with any other money or property owned or controlled by the authorized delegate, all commingled money and other property shall be considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

6. An authorized delegate may not use a subdelegate to conduct money transmission on behalf of a licensee.

7. *As used in this section, “remit” means to make direct payments of money, credits or monetary value to a licensee or its representative authorized to receive money or to deposit money in an account specified by the licensee in a bank or credit union authorized to do business in this State*

Sec. 39. A person shall not engage in the business of money transmission on behalf of a person not licensed under this chapter or who is not exempt from licensure under this chapter. A person that engages in such activity provides money transmission to the same extent as if the person were a licensee and is jointly and severally liable with the unlicensed or nonexempt person.

Sec. 40. 1. If, in any action brought by a licensee against an authorized delegate, the court finds that the authorized delegate failed to remit money in accordance with the written contract with the licensee required by section 38 of this act or as otherwise directed by the licensee or required by law, the court may grant appropriate equitable or legal relief, including, without limitation, prohibiting the authorized delegate from directly or indirectly acting as an authorized delegate for any licensee in this State and the payment of restitution, damages or other monetary relief.

2. If a court issues an order prohibiting a person from acting as an authorized delegate for any licensee pursuant to subsection 1, the licensee that brought the action shall report the order to:

- (a) The Commissioner within 30 days after entry of the order; and*
- (b) The Registry within 90 days after entry of the order.*

3. An authorized delegate who holds money in trust for the benefit of a licensee and knowingly fails to remit money is guilty of a misdemeanor.

4. As used in this section, “remit” means to make direct payments of money, credits or monetary value to a licensee or its representative authorized to receive money or to deposit money in an account specified by the licensee in a bank or credit union authorized to do business in this State.

Sec. 41. 1. A licensee shall forward all money or credits received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule or regulation has occurred, is occurring or may occur.

2. If a licensee fails to forward money or credits received for transmission in accordance with this section, the licensee must respond to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule or regulation.

Sec. 42. 1. Except as otherwise provided in this section, a licensee shall, within 10 days after the date on which the licensee receives a written request from a sender for a refund of money and credits received, issue such a refund to the sender unless any of the following occurs:

- (a) The money or credits have been forwarded within 10 days after the date on which the money or credit was received for transmission.*

(b) Instructions have been given committing an equivalent amount of money or credit to the person designated by the sender within 10 days of the date on which the money or credit was received for transmission.

(c) The agreement between the licensee and the sender instructs the licensee to forward the money or credits at a time that is beyond 10 days after the date on which the money or credits were received for transmission. If money or credits have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, this paragraph does not apply.

(d) The refund is requested for a transaction that the licensee has not completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule or regulation has occurred, is occurring or may occur.

(e) The request for a refund does not enable the licensee to:

(1) Identify the name, address or telephone number of the sender; or

(2) If the sender has multiple transactions pending with the licensee, identify the particular transaction to be refunded.

2. The provisions of this section do not apply to:

(a) Money or credits received for transmission which are subject to the provisions of 12 C.F.R. Part 1005, Subpart B, as amended.

(b) Money or credits received for transmission pursuant to a written agreement between a licensee and payee to process payments for goods or services provided by the payee.

Sec. 43. 1. Except as otherwise provided in this section, a licensee or authorized delegate shall provide to a sender a receipt for all money or credit received for transmission. For a transaction conducted in person, the receipt may be provided electronically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by telephone, a receipt may be provided electronically. If a licensee provides an electronic receipt, the electronic receipt must be provided in a retainable form.

2. A receipt required by this section must:

(a) Be in English and, if different, the language principally used by the licensee or authorized delegate to advertise, solicit or negotiate, either orally or in writing, for a transaction conducted in person, electronically or by phone; and

(b) Contain the following information, as applicable:

(1) The name of the sender;

(2) The name of the designated recipient;

(3) The date of the transaction;

(4) The unique transaction or identification number;

(5) The name, unique identifier, business address and customer service telephone number of the licensee;

(6) The amount of the transaction in United States dollars;

(7) *Any fee charged by the licensee to the sender for the transaction; and*

(8) *Any taxes collected by the licensee from the sender for the transaction.*

3. *Each licensee and authorized delegate shall include on a receipt required by this section or on the Internet website or mobile application of the licensee or authorized delegate:*

(a) *The name and phone number of the Division of Financial Institutions; and*

(b) *A statement that the customers of the licensee may contact the Division of Financial Institutions with questions or complaints regarding the money transmission services of the licensee.*

4. *The provisions of this section do not apply to:*

(a) *Money or credit received for transmission which is subject to the provisions of 12 C.F.R. Part 1005, Subpart B, as amended;*

(b) *Money or credit received for transmission that is not primarily for personal, family or household purposes;*

(c) *Money or credit received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or service provided to the payee; or*

(d) *Payroll processing services.*

5. *As used in this section:*

(a) *“Receipt” means a paper receipt, electronic record or other written confirmation.*

(b) *“Unique identifier” has the meaning ascribed to it in NRS 671.099.*

Sec. 44. 1. *Except as otherwise provided in subsection 2, a licensee that provides payroll processing services shall:*

(a) *Issue to a client a report detailing the payroll obligations for the client before the money or monetary value for payroll is deducted from an account; and*

(b) *Make available to each worker a paystub or an equivalent statement.*

2. *The provisions of subsection 1 do not apply to a licensee providing payroll processing services if the client of the licensee designates the intended recipients to the licensee and is responsible for providing the disclosures required by paragraph (b) of subsection 1.*

Sec. 45. 1. *A licensee shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles in the United States of not less than the aggregate amount of all of the outstanding money transmission obligations of the licensee.*

2. *Except for the permissible investments specified in subsection 1 of section 46 of this act, the Commissioner, with respect to any licensee, may limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible*

investment if the specific investment represents an undue risk to customers not reflected in the market value of investments.

3. Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the outstanding money transmission obligations of the licensee if any of the following occurs:

(a) Insolvency;

(b) The filing of a petition by or against the licensee pursuant to the provisions of United States Bankruptcy Code for bankruptcy or reorganization;

(c) The filing of a petition by or against the licensee for receivership;

(d) The commencement of any other judicial or administrative proceeding for the dissolution or reorganization of the licensee; or

(e) An action against the licensee by a creditor who is not a beneficiary of this statutory trust.

4. A permissible investment impressed with a trust pursuant to subsection 3 is not subject to attachment, levy of execution or sequestration by order of any court, except for a beneficiary of the statutory trust.

5. Upon the establishment of a statutory trust pursuant to subsection 3 or when any money is drawn on a letter of credit pursuant to section 47 of this act, the Commissioner shall notify the applicable regulator of each other state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the money drawn on the letter of credit. The notice shall be deemed satisfied if performed pursuant to a multistate agreement or through the Registry.

6. Money drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers or holders of the outstanding money transmission obligations of the licensee pursuant to subsection 3, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this State and other states, as applicable. Any statutory trust established pursuant to subsection 3 is terminated upon extinguishment of all of the outstanding money transmission obligations of the licensee.

7. The Commissioner may allow types of investments other than the types specified in section 46 of this act that the Commissioner determines are of sufficient liquidity and quality to be a permissible investment. The Commissioner may participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

Sec. 46. 1. The following are permissible investments for the purposes of section 45 of this act:

(a) Cash, including demand deposits, savings deposits and money in accounts held for the benefit of the customers of the licensee in a federally

insured depository financial institution or privately insured depository financial institution;

(b) Cash equivalents, including, without limitation, automated clearinghouse items in transit to the licensee and automated clearinghouse items or international wires in transit to a payee, cash in transit by means of an armored car, cash in smart safes, cash in locations owned by the licensee, transmission receivables which are funded by a debit card or credit card and owed by any bank or money market mutual funds rated “AAA” by Standard and Poor’s Credit Rating Services or the equivalent from any eligible rating service;

(c) Certificates of deposit or senior debt obligation of an insured depository institution, as defined in 12 U.S.C. § 1813, as amended, insured credit union, as defined in 12 U.S.C. § 1752, as amended, or privately insured financial depository institution;

(d) An obligation of the United States or a commission, agency or instrumentality thereof;

(e) An obligation that is guaranteed fully as to principal and interest by the United States;

(f) An obligation of a state or a governmental subdivision, agency or instrumentality thereof;

(g) The full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the Division of Financial Institutions and which:

(1) Stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain money up to the letter of credit amount within 7 days of presentation of the items required by section 47 of this act; and

(2) Satisfies the requirements set forth in section 47 of this act; and

(h) One hundred percent of the surety bond or deposit provided pursuant to NRS 671.100 and 671.110 that exceeds the average daily money transmission liability in this State.

2. Except as otherwise provided in subsection 3, the following investments are permissible investments subject to the limitations set forth in this subsection:

(a) Receivables that are payable to a licensee from the authorized delegates of the licensee in the ordinary course of business that are less than 7 days old, except that:

(1) The total value of all such receivables may not exceed 50 percent of the aggregate value of the total permissible investments of the licensee; and

(2) The value of such receivables that are payable to a licensee from a single authorized delegate may not exceed 10 percent of the aggregate value of the total permissible investments of a licensee;

(b) Any of the following investments:

(1) A short-term investment of 6 months or less bearing an eligible rating;

(2) *Commercial paper bearing an eligible rating;*

(3) *A bill, note, bond or debenture bearing an eligible rating;*

(4) *United States tri-party repurchase agreements collateralized at 100 percent or more with securities of the United States or an agency of the United States, municipal bonds or other securities bearing an eligible rating;*

(5) *Money market mutual funds rated “A-” or higher but less than “AAA” by Standard and Poor’s Credit Rating Services or the equivalent from any other eligible rating service; and*

(6) *A mutual fund or other investment fund composed solely and exclusively of one or more investments specified in paragraphs (a) to (f), inclusive, of subsection 1,*

↳ *except that the value of any single investment specified in subparagraphs (1) to (6), inclusive, may not exceed 20 percent of the aggregate value of the total permissible investments of the licensee and the total value of all such investments may not exceed 50 percent of the total permissible investments of the licensee; and*

(c) *Cash, including, without limitation, demand deposits, savings deposits and funds in such accounts held for the benefit of the customers of the licensee, at a foreign depository institution if the licensee has received a satisfactory rating on the most recent examination conducted on the licensee and the foreign depository institution:*

(1) *Has an eligible rating;*

(2) *Has registered with the Internal Revenue Service and obtained a global intermediary identification number in accordance with 26 C.F.R. §§ 1.1471-0 et seq.;*

(3) *Is not located in any country subject to sanctions from the Office of Foreign Asset Control of the United States Department of the Treasury; and*

(4) *Is not located in a jurisdiction that is listed on the list of high-risk jurisdictions subject to a call for action or jurisdictions under increased monitoring maintained by the Financial Action Task Force,*

↳ *except that the total amount of such cash may not exceed 10 percent of the aggregate value of the total permissible investments of the licensee.*

3. *The Commissioner may allow any investment specified in subsection 2 to exceed the limits prescribed in that subsection.*

Sec. 47. 1. *A letter of credit described in paragraph (g) of subsection 1 of section 46 of this act must:*

(a) *Be issued by a federally insured depository financial institution, privately insured depository institution, a foreign bank that is authorized by federal law to maintain a federal agency or federal branch office in a state or a foreign bank that is authorized under the laws of a state to maintain a branch office in a state that:*

(1) *Bears an eligible rating or whose parent company bears an eligible rating; and*

(2) *Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and credit unions;*

(b) Be irrevocable, unconditional and indicate that it is not subject to any condition or qualification outside of the letter of credit;

(c) Not contain any reference to any other agreement, document or entity, or otherwise provide for any security interest in the licensee;

(d) Contain an issue date and expiration date, and expressly provide for automatic extension, without a written amendment, for an additional period of 1 year after the present or future expiration date, unless the issuer of the letter of credit notifies the Commissioner in writing by certified or registered mail, courier mail or other receipted means, at least 60 days before any expiration date that the irrevocable letter of credit will not be extended; and

(e) Provide that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or before the expiration date of the letter of credit:

(1) The original letter of credit, including any amendments; and

(2) A written statement from the beneficiary stating that any of the following events has occurred:

(I) The filing of a petition by or against the licensee pursuant to the United States Bankruptcy Code for bankruptcy or reorganization;

(II) The filing of a petition by or against the licensee for receivership or the commencement of any other judicial or administrative proceeding for the dissolution or reorganization of the licensee;

(III) The Commissioner has taken possession of the business and property of a licensee pursuant to an order pursuant to NRS 671.160 on the basis of an action, violation or condition that has caused or is likely to cause the insolvency of the licensee; or

(IV) The beneficiary has received notice of expiration or non-extension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments pursuant to subsection 2.

2. If the licensee notifies the Commissioner of the expiration or nonextension of a letter of credit pursuant to paragraph (d) of subsection 1, the licensee, at least 15 days before the expiration of the letter of credit, must demonstrate to the satisfaction of the Commissioner that the licensee maintains and will continue to maintain permissible investments as required by section 45 of this act. If the licensee fails to make such a demonstration, the Commissioner may draw on the letter of credit in an amount up to the amount necessary to meet the requirement that the licensee maintain permissible investments pursuant to section 45 of this act. The draw must be offset against the outstanding money transmission obligations of the licensee. The drawn money must be held in trust by the Commissioner or the designated agent of the Commissioner, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the outstanding money transmission obligations of the licensee.

3. The Commissioner may designate an agent to serve on behalf of the Commissioner as beneficiary to a letter of credit so long as the agent and

letter of credit meet any requirements established by the Commissioner. The agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this section are assigned to the Commissioner.

4. The Commissioner may participate in multistate processes designed to facilitate the issuance and administration of letters of credit, including, without limitation, services provided by the Registry and the State Regulatory Registry, LLC.

Sec. 48. 1. If a licensee does not continue to meet the qualifications or satisfy the requirements that apply to an applicant for a license pursuant to this chapter, the Commissioner may suspend or revoke the license of the licensee.

2. An applicant for a license must demonstrate that the applicant meets or will meet the requirements set forth in NRS 671.100 or 671.110, as applicable, and sections 45 and 49 of this act.

Sec. 49. A licensee shall maintain at all times a tangible net worth of the greater of:

1. One hundred thousand dollars; or
2. Three percent of total assets for the first \$100,000,000 in assets, 2 percent of additional assets that exceed \$100,000,000 but do not exceed \$1 billion and 0.5 percent of additional assets that exceed \$1 billion.

Sec. 50. 1. Except as otherwise provided in section 52 of this act, a person or group of persons acting in concert seeking to acquire control of a licensee shall obtain the approval of the Commissioner before acquiring control of the licensee. A natural person is not deemed to acquire control of a licensee and is not subject to the provisions of this section when the natural person becomes a key individual in the ordinary course of business.

2. A person or group of persons acting in concert seeking to acquire control of a licensee shall, in cooperation with the licensee, submit to the Commissioner ~~the~~

~~(a) An application in a form prescribed by the Commissioner, ~~the~~ and~~

~~(b) A nonrefundable fee of not less than \$200 and not more than \$500.~~

3. The Commissioner may require the application submitted pursuant to ~~paragraph (a) of~~ subsection 2 to be submitted through the Registry or allow some or all of the information contained in the application to be submitted to the Commissioner without using the Registry.

4. The application required by ~~paragraph (a) of~~ subsection ~~1~~ 2 must include the information required by NRS 671.098 for any new key individual that has not previously completed the requirements for a licensee.

5. When an applicant for acquisition of control of a licensee has submitted the application required pursuant to subsection ~~1~~ 2 which appears to include all the items and address all of the matters that are required by ~~that subsection and paid all applicable fees,~~ the application, the application shall be considered complete. A determination by the Commissioner that an application is complete and is accepted for processing

means only that the application, on its face, appears to include all of the items and address all of the matters that are required and is not an assessment of the substance of the application or of the sufficiency of the information provided.

6. When an application is filed and considered complete pursuant to this section, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, competence, character and general fitness of the person or group of persons acting in concert seeking to acquire control of the licensee. The Commissioner shall approve an application for the acquisition of control pursuant to this section if the Commissioner finds that:

(a) The requirements of subsections 2 and 4 have been met, as applicable; and

(b) The financial condition and responsibility, financial and business experience, competence, character and general fitness of the person or group of persons acting in concert seeking to acquire control of a licensee and the competence, experience, character and general fitness of the key individuals and persons that would be in control of the licensee after the acquisition of control indicate that it is in the interest of the public to permit the person or group of persons acting in concert to control the licensee.

7. If an applicant for approval to acquire control of a licensee pursuant to this section avails himself, herself or itself or is otherwise subject to a multistate licensing process:

(a) The Commissioner may accept the investigation results of a state which is a lead investigative state in the multistate licensing process for the purposes of this section if the Commissioner determines that the state has sufficient staffing, expertise and minimum standards; and

(b) If this State is a lead investigative state in the multistate licensing process, the Commissioner may investigate the applicant under the time frames established by agreement through the multistate licensing process.

8. If the Commissioner denies an application for approval to acquire control of a licensee submitted pursuant to subsection ~~4~~ 2, the Commissioner shall issue to the applicant a formal written notice of the denial not more than 30 days after the date on which the Commissioner has made the decision to deny the application. The notice must set forth the specific reasons for the denial of the application. An applicant whose application for approval to acquire control of a licensee is denied may, not more than 30 days after the date on which the notice was issued, appeal the decision and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive.

9. Except as otherwise provided in subsection 10, the requirements of this section do not apply to any of the following:

(a) A person that acts as a proxy for the sole purpose of voting at a designated meeting of the shareholders or holders of voting shares of voting interests of a licensee of a person in control of a licensee;

- (b) A person that acquires control of a licensee by devise or descent;*
- (c) A person that acquires control of a licensee as a personal representative, custodian, guardian, conservator or trustee or as an officer appointed by a court of competent jurisdiction or by operation of law;*
- (d) A person that is exempt under this chapter;*
- (e) A person that the Commissioner determines is not subject to this section based on the public interest;*
- (f) A public offering of securities of a licensee or a person in control of a licensee;*
- (g) An internal reorganization of a person in control of the licensee where the ultimate person in control of the licensee remains the same; or*
- (h) A person described in section 52 of this act.*

10. Persons described in paragraphs (b), (c), (d), (f) and (g) of subsection 9, in cooperation with the licensee, shall notify the Commissioner within 15 days after the date on which the person acquires control of the licensee.

11. For the purposes of this section, a group of persons “act in concert” when two or more persons knowingly act together with a common goal of jointly acquiring control of a licensee, regardless of whether the persons act pursuant to an express agreement.

Sec. 51. 1. Before filing an application for approval to acquire control of a licensee pursuant to section 50 of this act, a person may request in writing a determination from the Commissioner as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the Commissioner determines that the person would not be a person in control of a licensee, the proposed person and transaction is not subject to the requirements of section 50 of this act.

2. If a multistate licensing process includes a determination pursuant to this section and the person requesting such a determination avails himself, herself or itself or is otherwise subject to a multistate licensing process:

(a) The Commissioner may accept the control determination of a state which is a lead investigative state in the multistate licensing process if the Commissioner determines that the state has sufficient staffing, expertise and minimum standards for the purposes of this section; and

(b) If this State is a lead investigative state in the multistate licensing process, the Commissioner may investigate the person in the time frames established by agreement through the multistate licensing process.

Sec. 52. The requirements of section 50 of this act do not apply to a person who has previously complied with and received approval to engage in money transmission pursuant to this chapter or was identified as a person in control of a licensee in a prior application filed with and approved by the Commissioner or by a money services business accredited state pursuant to a multistate licensing process, so long as:

1. The person has not had a license revoked or suspended or controlled a licensee that has had a license revoked or suspended while the person was

in control of the licensee in the 5 years immediately preceding the date on which the person intends to complete the acquisition of control of a licensee;

2. If the person is a licensee, the person is well managed and has received at least a satisfactory rating for compliance in the most recent examination of the licensee conducted by a money services business accredited state, if such rating was given;

3. The licensee to be acquired is projected to meet the requirements of this chapter after the acquisition of control is completed, and if the person acquiring control is a licensee, that licensee is also projected to meet the requirements of NRS 671.100 or 671.110, as applicable, and sections 45 and 49 of this act after the acquisition of control is completed;

4. The licensee to be acquired will not implement any material changes to its business plan as a result of the acquisition of control, and if the person acquiring control is a licensee, that licensee also will not implement any material changes to its business plan as a result of the acquisition of control; and

5. The person provides notice of the acquisition in cooperation with the licensee and attests to the circumstances set forth in subsections 1 to 4, inclusive, in a form prescribed by the Commissioner.

Sec. 53. 1. If a licensee adds or replaces any key individual, the licensee shall provide to the Commissioner:

(a) Notice in a manner prescribed by the Commissioner within 15 days after the effective date of the addition or replacement of the key individual; and

(b) The information required by NRS 671.098 within 45 days after the effective date of the addition or replacement of the key individual.

2. Within 90 days after the date on which the licensee has provided the notice and information required by subsection 1, the Commissioner may issue a notice of disapproval of a key individual if the Commissioner determines that, based on the competence, experience, character or integrity of the person, it would not be in the best interest of the public or of the customers of the licensee to allow the person to be a key individual of the licensee.

3. A notice of disapproval issued pursuant to subsection 2 must contain a statement of the basis for the disapproval and must be sent to the licensee and the person who has been disapproved as a key individual. A licensee who receives a notice of disapproval may appeal and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive.

4. If a multistate licensing process includes a review and disapproval process for key individuals pursuant to this section and the licensee requesting such a determination avails himself, herself or itself or is otherwise subject to a multistate licensing process:

(a) The Commissioner may accept the determination of another state if the Commissioner determines that the state has sufficient staffing, expertise and minimum standards for the purposes of this section; and

(b) If this State is a lead investigative state in the multistate licensing process, the Commissioner may investigate the applicant in the time frames established by agreement through the multistate licensing process.

Sec. 54. 1. The Commissioner may participate in multistate supervisory processes established between states and coordinated through the Conference of State Bank Supervisors, the Money Transmitter Regulators Association and the affiliates and successors thereof for all licensees that hold licenses in this State and in other states. As a participant in such a process, the Commissioner may:

(a) Cooperate, coordinate and share information with other state and federal regulators in accordance with the provisions of this chapter;

(b) Enter into written cooperation, coordination or information-sharing contracts or agreements with organizations whose membership consists of state or federal governmental agencies; and

(c) Cooperate, coordinate and share information with organizations whose membership is made up of state or federal governmental agencies if any such organization agrees to maintain the confidentiality and security of the shared information pursuant to section 37 of this act.

2. The Commissioner may not waive, and nothing in the provisions of this section constitutes a waiver of, the authority of the Commissioner to conduct an examination or investigation or otherwise take action authorized by the provisions of this chapter or the regulations adopted pursuant thereto to enforce compliance with applicable state or federal laws.

3. A joint examination or investigation or acceptance of an examination or investigation report does not waive the fee set forth in NRS 671.120.

Sec. 55. 1. If state money transmission jurisdiction is conditioned on a federal law, any inconsistencies between a provision of this chapter and the federal law governing money transmission is governed by the applicable federal law to the extent of the inconsistency.

2. If there is an inconsistency between this chapter and a federal law that governs pursuant to subsection 1, the Commissioner may provide interpretive guidance that:

(a) Identifies the inconsistency; and

(b) Identifies the appropriate means of compliance with federal law.

Sec. 56. 1. A licensee shall, within 90 days after the end of each fiscal year or within such extended period as approved by the Commissioner, file with the Commissioner:

(a) An audited financial statement of the licensee for the fiscal year prepared in accordance with generally accepted accounting principles in the United States; and

(b) Any other information the Commissioner may reasonably require.

2. The audited financial statement filed pursuant to subsection 1 must:

(a) Be prepared by an independent certified public accountant or independent public account who is satisfactory to the Commissioner.

(b) Include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant, as applicable, that is satisfactory in form and content to the Commissioner. If such a certificate or opinion is qualified, the Commissioner may order the licensee to take any action the Commissioner deems necessary to enable the independent certified public accountant or independent public accountant to remove the qualification.

Sec. 57. A licensee and an authorized delegate shall file all reports required by reporting requirements relating to federal currency reporting, recordkeeping and suspicious activity reporting as set forth in the Bank Secrecy Act and other federal and state laws pertaining to money laundering. A licensee and an authorized delegate who timely files with the appropriate federal agency a report required pursuant to this section that is complete and accurate shall be deemed to comply with the requirements of this section.

Sec. 58. 1. A licensee shall maintain the following records for at least 5 years:

- (a) A record of each outstanding money transmission obligation sold;*
- (b) A general ledger posted at least monthly that contains all asset, liability, capital, income and expense accounts;*
- (c) Bank statements and bank reconciliation records;*
- (d) A record of each outstanding money transmission obligation;*
- (e) A record of each outstanding money transmission obligation paid during the 5-year period;*
- (f) A list of the last known name and address of each of the authorized delegates of the licensee; and*
- (g) Any other records the Commissioner reasonably requires by regulation.*

2. A licensee may maintain the records required to be maintained by subsection 1:

- (a) In any form; and*
- (b) Outside of this State, so long as any such record is made available to the Commissioner with 5 business days' notice that is sent in a record.*

3. The records required to be maintained pursuant to subsection 1 are open to inspection by the Commissioner pursuant to NRS 671.120.

Sec. 59. 1. A licensee shall file a report with the Commissioner within 1 business day after the licensee has reason to know of the occurrence of any of the following events:

- (a) The filing of a petition by or against the licensee for bankruptcy or reorganization pursuant to the United States Bankruptcy Code;*
- (b) The filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for the dissolution or reorganization of the licensee or the making of a general assignment for the benefit of the creditors of the licensee; or*

(c) The commencement of a proceeding to revoke or suspend the license of the licensee in a state or country in which the licensee engages in business or is licensed.

2. A licensee shall file a report with the Commissioner within 3 business days after the licensee has reason to know of the occurrence of any of the following events:

(a) A charge or conviction of the licensee or of a key individual or person in control of the licensee for a felony; or

(b) A charge or conviction of an authorized delegate for a felony.

Sec. 60. 1. Except as otherwise provided by regulation of the Commissioner, a licensee shall submit to the Commissioner a report of condition within 45 days after the end of the calendar quarter, or within any extended period that the Commissioner may prescribe. The report of condition must include, without limitation:

(a) Financial information concerning the licensee;

(b) Nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission;

(c) A report concerning the permissible investments of the licensee;

(d) A report identifying each foreign country to which the licensee transmitted money or credits and the amount of money or credits transmitted, if applicable; and

(e) Any other information the Commissioner may reasonably require.

2. The Commissioner may use the Registry for the submission of the report required by subsection 1. The Commissioner may, by regulation, waive, modify or alter the requirements of subsection 1 to carry out the purposes of this chapter and maintain consistency with reporting requirements of the Registry.

Sec. 61. 1. Each licensee shall submit to the Commissioner a report concerning each authorized delegate of the licensee within 45 days after the end of the calendar quarter. The report must include, without limitation, the following information for each authorized delegate:

(a) The legal name of the company;

(b) Taxpayer employer identification number;

(c) Principal provider identifier;

(d) Physical address;

(e) Mailing address;

(f) Any business conducted in other states;

(g) Any fictitious or trade name;

(h) The name, phone number and electronic mail address for the contact person of the authorized delegate;

(i) The date upon which the authorized delegate was designated as an authorized delegate of the licensee;

(j) The date upon which the authorized delegate ceased being an authorized delegate for the licensee, if applicable;

(k) Any court order concerning the licensee pursuant to section 40 of this act; and

(l) Any other information the Commissioner may reasonably require with respect to the authorized delegate.

2. The Commissioner may use the Registry for the submission of the report required by this section provided that such functionality is consistent with the requirements of this section.

Sec. 62. 1. The Commissioner may issue an order suspending or revoking the designation of an authorized delegate if the Commissioner finds that:

(a) The authorized delegate committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter;

(b) The authorized delegate did not cooperate with an examination or investigation by the Commissioner;

(c) The authorized delegate has engaged in fraud, intentional misrepresentation or gross negligence;

(d) The authorized delegate has been convicted of a violation of a state or federal anti-money laundering statute;

(e) The competence, experience, character or general fitness of the authorized delegate or a person in control of the authorized delegate indicates that it is not in the public interest to permit the authorized delegate to provide money transmission; or

(f) The authorized delegate has engaged in an unsafe or unsound practice.

2. In determining whether an authorized delegate has engaged in an unsafe or unsound practice pursuant to paragraph (f) of subsection 1, the Commissioner may consider the size and condition of the provision of money transmission by the authorized delegate, the magnitude of the loss, the gravity of the violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter and the previous conduct of the licensee.

3. An authorized delegate may apply for relief from a suspension or revocation of designation as an authorized delegate according to procedures prescribed by the Commissioner.

Sec. 63. 1. The Commissioner may issue an order requiring a licensee or authorized delegate to cease and desist from a violation of any provision of this chapter or any regulations adopted pursuant thereto or order issued by the Commissioner pursuant thereto if the Commissioner determines that the violation is likely to cause:

(a) Immediate and irreparable harm to the licensee, the customers of the licensee or the public; or

(b) Insolvency or significant dissipation of the assets of the licensee.

2. If the Commissioner issues an order against an authorized delegate pursuant to subsection 1, the Commissioner may also issue a separate order

against a licensee to cease and desist from providing money transmission through the authorized delegate.

3. Except as otherwise provided in this subsection, an order issued pursuant to this section becomes effective upon service of the order and remains effective until it is set aside, in whole or in part, by the Commissioner or a reviewing court. The licensee or authorized delegate against whom a cease and desist order is issued may request a hearing on the cease and desist order pursuant to NRS 233B.121 to 233B.150, inclusive.

4. A licensee or authorized delegate against whom a cease and desist order is issued pursuant to this section may file with the Commissioner a petition requesting that the cease and desist order be set aside, limited or suspended pending the completion of the proceedings conducted pursuant to subsection ~~2~~ 3.

Sec. 64. In any matter arising from a violation or alleged violation of the provisions of this chapter or a regulation adopted or order issued by the Commissioner pursuant thereto by a person, the Commissioner may enter into a consent order with the person to resolve the matter. Such a consent order:

1. Must be signed by the person or the authorized representative of the person and must indicate that the person agrees to the terms contained in the consent order; and

2. May provide that the consent order does not constitute an admission by the person that a violation of the provisions of this chapter or the regulations adopted or an order issued by the Commissioner pursuant thereto has occurred.

Sec. 65. In applying and construing the provisions of this chapter, consideration must be given to the need to promote uniformity of the law with respect to money transmission among states that enact laws concerning money transmission that are substantively similar to this chapter.

Sec. 66. NRS 671.020 is hereby amended to read as follows:

671.020 ~~1. This~~ Except as otherwise provided in section 50 of this act, this chapter does not apply to any:

~~{(a) Bank, its parent or}~~

1. Federally insured depository financial institution, privately insured depository financial institution, bank holding company or any subsidiary thereof, ~~trust company, savings bank, savings and loan association, credit union, industrial bank or industrial loan and investment company, organized and regulated,~~ office of an international banking corporation, foreign bank that establishes a federal branch pursuant to 12 U.S.C. § 3102, as amended, corporation organization pursuant to the 12 U.S.C. §§ 1861 to 1867, inclusive, as amended, or corporation organized pursuant to 12 U.S.C. §§ 611 to 633, inclusive, as amended, under the laws of ~~this~~ a state or of the United States. ~~;~~

~~—(b) Foreign banking corporation licensed to do banking business in this state; or~~

~~—(c) Telegraph company providing a public message service.]~~

2. ~~[Subsection 1 does not reduce or alter any liability otherwise attaching to the sale, issuance, receipt for transmission or transmission of checks or money in any form.]~~ *Operator of a payment system to the extent that it provides processing, clearing or settlement services between or among persons exempted pursuant to this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearinghouse transfers or similar transfers of money.*

3. *Person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission, provided to the payor by the payee, so long as:*

(a) A written agreement exists between the payee and the agent directing the agent to collect and process payments from payors on behalf of the payee;

(b) The payee holds the agent out to the public as accepting payments for goods or services on behalf of the payee; and

(c) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the obligation of the payor is extinguished and there is no risk of loss to the payor if the agent fails to remit the money to the payee.

4. *Person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the designated recipient of the sender, so long as the entity:*

(a) Is a licensee or exempt from licensure pursuant to this chapter;

(b) Provides a receipt, electronic record or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(c) Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including, without limitation, the obligation to make the sender whole in connection with any failure to transmit the money to the designated recipient of the sender.

5. *Department, agency, instrumentality or agent of the United States.*

6. *State, county, city or any other governmental agency, subdivision, instrumentality or agent of a state.*

7. *Money transmission by the United States Postal Service or by an agent of the United States Postal Service.*

8. *Trust company that is licensed or otherwise authorized to engage in the business of a trust company in this State pursuant to chapter 669 of NRS.*

9. *Electronic money transfer of governmental benefits for a federal, state, county or governmental agency by a contractor on behalf of the United States or a department, agency or instrumentality thereof or on behalf of a state or governmental subdivision, agency or instrumentality thereof.*

10. *Board of trade designated as a contract market under the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., as amended, or a person that, in the*

ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for the board of trade.

11. Registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant.

12. Person registered as a securities broker-dealer under federal or state securities laws to the extent of the operations of the person as such a securities broker-dealer.

13. Natural person employed by a licensee, authorized delegate or any person exempt from licensure pursuant to this section when acting within the scope of employment and under the supervision of the licensee, authorized delegate or exempt person as an employee and not as an independent contractor.

14. Person expressly appointed as a third-party service provider to or agent of an entity exempt pursuant to subsection 1 to the extent that:

(a) The third-party service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the third-party service provider or agent is to perform; and

(b) The exempt entity assumes all risk of loss and legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt by the third-party service provider of the money or monetary value of the purchaser or holder.

15. Employer who performs payroll services on his or her own behalf or on behalf of an affiliate of an employer.

16. Professional employer organization, as defined in NRS 611.400, who performs payroll services.

17. Person exempt by regulation or order of the Commissioner pursuant to section 34 of this act.

Sec. 67. NRS 671.040 is hereby amended to read as follows:

671.040 1. A person shall not engage in the business of ~~selling or issuing checks or of receiving for~~ **money** transmission or ~~transmitting money or credits unless the person is licensed pursuant to this chapter.~~ **advertise, solicit or hold himself, herself or itself out as providing money transmission unless the person:**

(a) Has been issued a license pursuant to this chapter; or

(b) Is an authorized delegate of a licensee that is acting within the scope of authority conferred by a written contract with the licensee.

2. A person ~~shall not engage in such business as an agent except as an agent of a licensee or a payee.~~ **must have a license or be an authorized delegate described in paragraph (b) of subsection 1 regardless of the location or method that the person uses to engage in the business of money transmission, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.**

Sec. 68. NRS 671.050 is hereby amended to read as follows:

671.050 1. Every application for a license required pursuant to this chapter must be in writing, signed by the applicant, and in the form *and medium* prescribed by the Commissioner.

2. The application must contain:

(a) ~~{The name and principal business address}~~ *A list of any criminal convictions of the applicant* ~~{and, if incorporated, the date and place of its incorporation,}~~ *and any material litigation in which the applicant has been involved in the 10 years immediately preceding the date on which the application is submitted;*

(b) ~~{The name and address of each of the applicant's branch offices, subsidiaries or affiliates, if any, which will be operated under the license;}~~ *A description of any money transmission previously provided by the applicant and the money transmission that the applicant seeks to provide in this State;*

(c) ~~{The name and addresses, business and residential, of the proprietor or partners of the applicant or, if the applicant is a corporation or association, of each of the directors, trustees and principal officers, and of any stockholder who owns 20 percent or more of}~~ *A list of the applicant's* ~~{stock; and}~~ *proposed authorized delegates and the locations in this State where the applicant and authorized delegates propose to engage in money transmission;*

(d) *A list of other states in which the applicant is licensed to engage in money transmission and any suspension or revocation of such a license or other disciplinary action taken against the applicant in another state;*

(e) *Information concerning any proceeding involving bankruptcy or receivership affecting the applicant or a person in control of the applicant;*

(f) *A sample form of contract for authorized delegates, if applicable;*

(g) *A sample form of payment instrument or stored value, as applicable;*

(h) *The name and address of any federally insured depository financial institution or privately insured depository financial institution through which the applicant plans to conduct money transmission; and*

(i) Such other pertinent information as the Commissioner *or the Registry* requires.

3. ~~{The}~~ *If the applicant is a business entity, the application must also contain:*

(a) *The date on which the applicant was incorporated or formed and the state or country in which the applicant was incorporated or formed;*

(b) *A certificate of good standing from the state or country in which the applicant was incorporated or formed, if applicable;*

(c) *A brief description of the structure or organization of the applicant, including, without limitation, information concerning any parents or subsidiaries of the applicant and whether any parent or subsidiary is publically traded;*

(d) *The legal name, any fictitious or trade name, each business and residential address and the employment history, as applicable, in the 10 years*

immediately preceding the submission of the application of each key individual and person in control of the applicant;

(e) A list of any criminal convictions and material litigation in which a person in control of the applicant that is not a natural person has been involved in the 10 years immediately preceding the submission of the application;

(f) A copy of audited financial statements of the applicant for the most recent fiscal year and for the 2 years immediately preceding the submission of the application;

(g) A certified copy of unaudited financial statements of the applicant for the most recent fiscal quarter;

(h) If the applicant is a publicly traded corporation, a copy of the most recent report filed with the United States Securities and Exchange Commission pursuant to 15 U.S.C. § 78m, as amended;

(i) If the applicant is a wholly owned subsidiary of:

(1) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the most recent report filed by the parent corporation pursuant to 15 U.S.C. § 78m, as amended; or

(2) A corporation publicly traded outside the United States, a copy of documentation similar to that described in subparagraph (1) filed with the regulator of the domicile of the parent corporation outside the United States;

(j) The name and address of the registered agent of the applicant in this State; and

(k) Such other pertinent information as the Commissioner or Registry requires.

4. In addition to the application required by subsection 2, the applicant must ~~be accompanied by:~~ also provide to the Commissioner:

(a) A surety bond or securities as required by this chapter.

(b) ~~[A certified]~~ An audited financial statement, satisfactory to the Commissioner, showing that the applicant's tangible net worth ~~[exceeds \$100,000, unless the applicant's surety bond or the securities deposited pursuant to NRS 671.110 are in at least twice the minimum principal sum required by NRS 671.100.]~~ meets the requirements set forth in section 49 of this act.

(c) A nonrefundable fee of not more than \$500 for the application and survey. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(d) A fee of not less than \$200 or more than \$400, prorated on the basis of the licensing year as provided by the Commissioner.

~~[4.]~~ **5.** The Commissioner shall adopt regulations establishing ~~[the]~~ :

(a) The form and medium of any additional content required to be included in an application for a license. The regulations may require such an application to be in such form and medium and contain such additional content that the Commissioner determines to be necessary to carry out the

purposes of this chapter and maintain consistency with the licensing standards and practices of the Registry.

(b) *The amount of the fees required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account created by NRS 232.545.*

~~5.~~ 6. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 69. NRS 671.060 is hereby amended to read as follows:

671.060 1. ~~Upon the filing of~~ *When an applicant for a license has submitted the application* ~~[, payment of the]~~ *required pursuant to NRS 671.050 which appears to include all the items and address all of the matters that are required by that section, submitted the information required pursuant to NRS 671.098 and paid all applicable fees and* ~~[approval of]~~ *the Commissioner has approved the* surety bond or securities ~~[.]~~ *of the applicant, the application shall be considered complete.*

2. *A determination by the Commissioner that an application is complete pursuant to subsection 1 and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required and is not an assessment of the substance of the application or the sufficiency of the information.*

3. *When an application is filed and considered complete pursuant to this section, the Commissioner shall investigate the financial condition and responsibility, the financial and business experience, and the character and general fitness of the applicant and may investigate any partners, directors, trustees, ~~or~~ principal officers, proposed key individuals or persons in control of the applicant.*

~~2.—H]~~

4. *In investigating an applicant pursuant to subsection 3, the Commissioner* ~~[determines that the business of the applicant will be conducted lawfully, honestly, fairly and efficiently, the]~~ *may conduct an on-site investigation of the applicant, the actual cost of which the applicant must pay.*

5. *The Commissioner shall issue a license to the applicant to engage in the business of* ~~[selling and issuing checks, receiving for] money transmission [or transmitting money or credits, or both.]~~ *if the Commissioner finds that:*

(a) *The applicant has complied with all applicable requirements set forth in this chapter for the issuance of a license; and*

(b) The financial condition and responsibility, financial and business experience, competence, character and general fitness of the applicant and the competence, experience, character and general fitness of the key individuals and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in money transmission.

6. If the Commissioner denies an application for a license, the Commissioner shall issue to the applicant a formal written notice of the denial setting forth the specific reasons for the denial. An applicant whose application for a license is denied may appeal and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive.

Sec. 70. NRS 671.070 is hereby amended to read as follows:

671.070 1. ~~{A}~~ *Except as otherwise provided in this subsection, a license issued pursuant to this chapter expires on December 31 of each year, unless it is earlier surrendered, suspended or revoked. A license which is initially issued on or after November 1 and on or before December 31 of a year expires on December 31 of the year following the year in which the license was issued, unless it is earlier surrendered, suspended or revoked.*

2. The license may be renewed from year to year upon the approval of the Commissioner if the licensee, on or after November 1 and on or before December 31 of each year, files an application ~~[conforming]~~ *which:*

(a) Conforms to the requirements for an initial application ~~{}~~; and

(b) Contains a description of each material change in the information submitted to the Commissioner by the licensee in the initial application which has not yet been reported to the Commissioner.

3. An application for the renewal of the license must be accompanied by a fee of not more than \$400. No investigation fee may be charged for the renewal of the license. If the application or fee for renewal is not filed within the required time, the Commissioner may reinstate the expired license if the licensee files the application, the fee for renewal and a fee of not more than \$400 for late renewal, if applicable, on or before February 28 of the year following the expiration of the license.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. All fees collected pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 71. NRS 671.080 is hereby amended to read as follows:

671.080 1. A license issued under this chapter is not transferable or assignable.

2. The license entitles the holder to engage in business only at the location or locations specified in the application or at a location or locations operated by ~~[a duly appointed agent]~~ *an authorized delegate* of the licensee.

3. A change must not be made in:

(a) The location of any place of business covered by the license;

(b) The name of the licensed business; or

(c) The licensee's operation or services if the nature of the change affects the qualification for the license,

↳ without prior notice to and approval of the Commissioner.

Sec. 72. NRS 671.092 is hereby amended to read as follows:

671.092 1. ~~{The}~~ *To establish consistent licensing between this State and other states, the* Commissioner may ~~{}~~:

(a) *Implement the provisions of this chapter in a manner that is consistent with other states that have adopted laws that are substantively similar to the provisions of this chapter or multistate licensing processes; and*

(b) *Participate in nationwide protocols for licensing cooperation and coordination among state regulators if the protocols are consistent with the provisions of this chapter.*

2. *The Commissioner may*, in furtherance of his or her duties with respect to the issuance and renewal of licenses pursuant to this chapter, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for licenses and licensees;

(d) *Taking any action the Commissioner deems necessary to coordinate multistate licensing processes and supervision processes through the Registry;*

(e) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;

~~{(e)}~~ (f) *Taking any action the Commissioner deems necessary to facilitate communication between this State and licensees or other persons subject to the provisions of this chapter;*

(g) Requiring an applicant for a license or a licensee to use the Registry to:

(1) Apply for the issuance or renewal of a license;

(2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; ~~{and~~

~~{(f)}~~ (h) *Requiring an applicant for the acquisition of control of a licensee to use the Registry to submit the application required by section 50 of this act; ~~{and pay the fees set forth in that section.}~~*

(i) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or conduct a background check on the criminal history of an applicant for a license or a licensee ~~[-~~

~~-2-]~~ ; and

(j) *Require the use of the Registry for any other aspect of licensing that the Commissioner deems necessary.*

3. *The Commissioner may use the forms, processes and functionalities of the Registry to implement the requirements of this chapter. If the Registry does not provide functionality, forms or processes necessary to implement a requirement set forth in this chapter, the Commissioner may strive to implement the requirement in a manner that facilitates uniformity with respect to licensing, supervision, reporting and regulation of licensees which are licensed in multiple jurisdictions.*

4. An applicant for a license , *an applicant for the acquisition of a licensee* or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

~~{3-}~~ 5. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish *any* additional procedures and requirements for participation in the Registry ~~[-~~

~~-4-]~~ *that the Commissioner determines are consistent with law, public interest and the purposes of this section.*

6. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 73. NRS 671.098 is hereby amended to read as follows:

671.098 1. In addition to any other requirements set forth in this chapter, each *natural person who is an* applicant for the issuance of a license pursuant to ~~[this chapter and]~~ *NRS 671.050, each natural person in control of such an applicant*, each owner, officer, director and ~~[responsible person]~~ *proposed key individual* of the applicant, each *natural* person ~~[in]~~ *who seeks to acquire control of [the applicant]* *a licensee pursuant to section 50 of this act, each person who becomes a key individual of a licensee* and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to *the Commissioner through* the Registry:

(a) ~~[A]~~ *Except as otherwise provided in subsection 5, a* complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

(b) ~~[Information]~~ *Except as otherwise provided in subsection 6, information* concerning the personal history, financial history and experience

of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(1) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial responsibility of the person at the time of the submission of the application; and

(2) Additional independent credit reports and credit scores to confirm that the person continues to comply with any applicable requirements concerning financial responsibility;

(c) Information related to any **regulatory or** administrative ~~[- civil or criminal findings made by any governmental jurisdiction concerning the person;]~~ **action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty or breach of contract;**

(d) **Information related to any criminal convictions or pending charges against the person; and**

(e) Any other information concerning the person that the Registry or Commissioner may require.

2. ~~[As used in this section:~~

~~(a) “Control” has the meaning ascribed to it in NRS 682A.047.~~

~~(b) “Responsible person” means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State.]~~ **In addition to the requirements set forth in subsection 1, if a natural person described in subsection 1 has resided outside of the United States at any time in the 10 years immediately preceding the date on which the applicable application or notice is submitted to the Commissioner pursuant to NRS 671.050 or section 50 or 53 of this act, the natural person must also submit to the Commissioner, through the Registry, an investigative background report prepared by an independent search firm.**

3. **The search firm described in subsection 2 must, at a minimum:**

(a) **Demonstrate to the satisfaction of the Commissioner that it has sufficient knowledge and resources and employs accepted and reasonable methodologies to conduct the research of the investigative background report; and**

(b) **Not be affiliated with or have an interest with the natural person it is researching.**

4. **The investigative background report described in subsection 2 must, at a minimum, be written in English and contain the following information:**

(a) **If available in the jurisdiction in which the natural person resides, a comprehensive credit report or any equivalent information obtained or generated by the independent search firm to accomplish the investigative background report, including, without limitation, a search of the court data in each country, province, state, city, town and contiguous area where the natural person resided and worked;**

(b) *Criminal records information for the immediately preceding 10 years, including, without limitation, information regarding any felony, misdemeanor or similar conviction for a violation of law in each country, province, state, city, town and contiguous area where the natural person resided and worked;*

(c) *Employment history;*

(d) *Media history, including, without limitation, an electronic search of national and local publications, wire services and business applications; and*

(e) *Regulatory history relating to financial services, including, without limitation, money transmission, securities, banking, insurance and mortgage related industries.*

5. *The requirements of paragraph (a) of subsection 1 do not apply to a natural person who, at the time the applicable application or notice has been submitted pursuant to NRS 671.050 or section 50 or 53 of this act, resides outside of the United States and has resided outside of the United States for the 10 years immediately preceding the date on which the application or notice was submitted.*

6. *A natural person who does not have a social security number is not required to provide to the Commissioner information to obtain an independent credit report from a consumer reporting agency.*

Sec. 74. NRS 671.100 is hereby amended to read as follows:

671.100 1. Except as provided in NRS 671.110, each licensee shall have in force a surety bond payable to the State of Nevada for the use and benefit of any *purchaser or* holder of any outstanding ~~check sold or issued by a licensee in the normal course of business~~ *money transmission obligation* and for value in the ~~following minimum~~ principal ~~sums:~~

~~(a) For the first location granted in the license, \$10,000; and~~

~~(b) For each additional location in this State where its business is conducted directly or through an agent, \$5,000.~~

~~The~~ *sum of the greater of:*

(a) *One hundred thousand dollars; or*

(b) *An amount equal to 100 percent of the average daily money transmission liability in this State calculated for the most recently completed quarter, to a maximum ~~amount~~ of ~~any surety bond required under this subsection is \$250,000.~~ \$500,000.*

2. *A licensee may maintain a bond in a principal sum that exceeds \$500,000. A licensee that maintains a bond in a principal sum of ~~more than~~ \$500,000 or more is not required to calculate the average daily money transmission liability in this State for the purposes of subsection 1.*

3. The bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State, and must secure the faithful performance of the obligations of the licensee respecting the ~~sale or issuance of checks and receipt for~~ *provision of money transmission*. ~~for transmission of money or credits.~~

~~3.1~~ 4. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

~~4.1~~ 5. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required under subsection 1; or

(b) An endorsement, duly executed by the surety reinstating the bond to the required principal sum.

~~5.1~~ 6. The liability of the surety on the bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

~~6.1~~ 7. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the licensee's ~~agents~~ **authorized delegates** within 30 days after:

(a) The licensee's death or the dissolution or liquidation of the licensee's business; or

(b) The termination of the bond,

↪ whichever event occurs first.

~~7.1~~ 8. Whenever the Commissioner determines that the protection of the public so requires, the Commissioner may order that an increase be made in the principal sum of the bond of any licensee, except that the Commissioner may not order an increase of more than \$10,000 if the licensee has submitted a current financial statement, or more than \$15,000 otherwise.

~~8.1~~ 9. Neither a licensee nor the licensee's surety may cancel or alter a bond except after notice to the Commissioner by registered or certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection ~~6.1~~ 7.

Sec. 75. NRS 671.120 is hereby amended to read as follows:

671.120 1. ~~Except as otherwise provided in subsection 4, once each year the~~ **The Commissioner shall, as often as the Commissioner determines to be necessary,** examine the financial accounts of each licensee and any other documents relevant to the conduct of the licensee's business ~~and the Commissioner~~ and ~~the Commissioner~~ may conduct **other** examinations ~~at additional times~~ **of a licensee or authorized delegate that the Commissioner determines to be necessary. The Commissioner may take any action authorized by the provisions of this chapter or the regulations adopted pursuant thereto as**

reasonably necessary or appropriate to administer and enforce the provisions of this chapter, the regulations adopted pursuant thereto and other applicable law, including, without limitation, the Bank Secrecy Act and the USA Patriot Act.

2. For the purpose of ~~[the examinations,]~~ *an examination conducted pursuant to subsection 1*, the Commissioner may ~~[enter]~~ :

(a) *Enter* upon any of the business premises of a licensee or the licensee's ~~[agents]~~ *authorized delegates* and obtain access to the relevant documents. ~~[Any obstruction or denial of such an entry or access is a violation of this chapter.]~~

(b) *Conduct such an examination on-site or off-site as the Commissioner may reasonably require.*

(c) *Conduct such an examination in conjunction with an examination conducted by a representative of another agency of this State, an agency of another state or an agency of the federal government.*

(d) *Accept the examination report of another agency of this State, an agency of another state or an agency of the federal government. Upon acceptance by the Commissioner, such an examination report shall be considered an official report of the Commissioner.*

(e) *Summon and examine under oath a key individual or employee of a licensee or authorized delegate and require the key individual or employee to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.*

3. *The Commissioner is entitled to full access to all records the Commissioner reasonably requires to conduct a complete examination. A licensee or authorized delegate shall provide all such records at the location and in the format specified by the Commissioner. Any person who obstructs or denies the Commissioner entry onto the business premises of a licensee or authorized delegate or access to the relevant documents of a licensee or authorized delegate commits a violation of this chapter.*

4. *The Commissioner may use multistate record production standards and examination procedures if the Commissioner determines that such standards will reasonably achieve the requirements of this section.*

5. For each examination *of a licensee or an authorized delegate of the licensee*, the Commissioner shall charge and collect from the licensee a fee for conducting the examination and in preparing and typing the report at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

~~[4. The Commissioner may accept a report of an audit of the licensee which covers the most recent fiscal year in lieu of conducting an examination.]~~

Sec. 76. ~~[NRS 671.140 is hereby amended to read as follows:~~

~~671.140 In every place of business licensed or covered by a license under this chapter, and on the Internet website of each licensee and authorized delegate, there [shall] *must* be conspicuously posted at all times a schedule of the rates charged for [the sale or issuance of checks and the receipt for] *money*~~

~~transmission. [or transmission of money or credits.] No fees may be charged or collected in excess of the posted rates.] (Deleted by amendment.)~~

Sec. 77. [NRS 671.150 is hereby amended to read as follows:

~~671.150 1. All money, [or] credits *or monetary value* received by an [agent] *authorized delegate* of a licensee from [the sale and issuance of checks or for the purpose of] *money* transmission must be remitted to the licensee, [or deposited with a bank or credit union authorized to do business in this state for credit to an account of the licensee not later than the third business day following its receipt.]~~

~~2. [Money received from the sale or issuance of checks or for the purpose of transmission must not be commingled with the other assets of the licensee or his or her agents.]~~

~~3.] If a license is suspended or terminated, the licensee shall immediately deposit in an account in the name of the Commissioner, an amount which is sufficient to make the total money in the account equal to all outstanding [checks in the State of Nevada sold or issued and money or credits received but not transmitted.]~~

~~4. Each licensee shall at all times maintain liquid assets, government or municipal securities or other marketable securities having a value, computed in accordance with generally accepted accounting principles, equal to or more than the aggregate liability of the licensee with respect to checks sold and issued and money or credits received for] *money* transmission [.] *obligations of the licensee in this State.*~~

~~3. As used in this section, “*remit*” has the meaning ascribed to it in section 38 of this act.] (Deleted by amendment.)~~

Sec. 78. NRS 671.170 is hereby amended to read as follows:

671.170 1. The Commissioner may conduct any necessary investigations and hearings to determine whether any licensee, *authorized delegate* or other person has violated any of the provisions of this chapter or whether any licensee has conducted himself or herself in a manner which requires the suspension, revocation or denial of renewal of his or her license.

2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by the Commissioner, may require the attendance and testimony of any person and compel the production of all relevant books, records, accounts and other documents. The Commissioner shall charge and collect from each licensee or other person a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

3. [Each licensee shall submit to the Registry, on or before April 15 of each year, an annual report of condition on a form prescribed by the Commissioner.] The Commissioner may require any licensee to submit such reports concerning the licensee’s business as the Commissioner deems necessary for the enforcement of this chapter.

4. Except as otherwise provided in NRS 239.0115, **and section 37 of this act**, all reports of investigations and examinations and other reports rendered pursuant to this section, ~~and~~ all correspondence and memoranda relating to or arising therefrom, including any authenticated copies thereof in the possession of any licensee or the Commissioner, **and all other information related to an examination or investigation** are confidential communications, are not subject to any subpoena, and must not be made public unless the Commissioner determines that justice and the public advantage will be served by their publication. This subsection does not preclude any party to an administrative or judicial proceeding from introducing into evidence any information or document otherwise available or admissible.

Sec. 79. NRS 671.180 is hereby amended to read as follows:

671.180 1. If the Commissioner has reason to believe that grounds exist for the suspension, revocation or denial of renewal of a license, the Commissioner shall give 10 days' written notice to the licensee, stating the grounds therefor, and shall set a date for a hearing, if a hearing is requested by the licensee. If the protection of the public so requires, the Commissioner may suspend the license at any time before the hearing.

2. At the conclusion of the hearing, the Commissioner shall enter a written order either dismissing the charges or suspending, revoking or denying the renewal of the license. The order must include a statement of the grounds for the action taken by the Commissioner and becomes effective 10 days after receipt of a copy of the order by the licensee at the licensee's principal place of business. The Commissioner may immediately suspend, revoke or deny the renewal of the license in a case where the licensee has failed to maintain in effect the required surety bond or insurance policy.

3. The grounds for suspension, revocation or denial of renewal of a license are ~~that~~:

(a) ~~Failure~~ **The licensee has failed** to pay the annual fee for renewal or the fee for late renewal;

(b) ~~Failure~~ **The licensee has failed** to maintain in effect the required bond or securities;

(c) ~~Fraud~~ **The licensee has committed an act of fraud**, misrepresentation or ~~omission of~~ **gross negligence or has omitted** any material fact in any application, statement or report;

(d) ~~Failure~~ **The licensee has failed** to pay any judgment arising from the licensee's business within 30 days after the judgment becomes final or within 30 days after the expiration of a stay of execution on the judgment; ~~or~~

(e) ~~Violation~~ **The licensee has failed to cooperate with an examination or investigation by the Commissioner;**

(f) **The competence, experience, character or general fitness of the licensee, an authorized delegate of the licensee, a responsible person of such an authorized delegate, a person in control of the licensee or a key individual of the licensee indicates that it is not in the public interest to allow the licensee to provide money transmission;**

(g) *The licensee has engaged in an unsafe or unsound practice;*

(h) *The licensee is insolvent, suspends payment of its obligations or makes a general assignment for the benefit of its creditors;*

(i) *The licensee has not removed an authorized delegate of the licensee after the Commissioner issued and served on the licensee a final order that includes a finding that the authorized delegate has committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter* ~~[1]~~;

(j) *An authorized delegate of the licensee, as a result of the willful misconduct or willful blindness of the licensee, has been convicted of a violation of a state or federal anti-money laundering statute or has committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter; or*

(k) *The licensee has committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter.*

4. *In determining whether a licensee has engaged in an unsafe or unsound practice pursuant to paragraph (g) of subsection 3, the Commissioner may consider the size and condition of the money transmission of the licensee, the magnitude of the loss, the gravity of the violation of the provisions of this chapter or the regulations adopted or order issued by the Commissioner pursuant thereto and the previous conduct of the licensee.*

5. Any action taken by the Commissioner pursuant to this section is subject to judicial review in the first judicial district court.

Sec. 80. ~~[NRS 671.185 is hereby amended to read as follows:~~

~~671.185 1. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$10,000 upon a person who:~~

~~[1.] (a) Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or~~

~~[2.] (b) Violates any provision of this chapter or any regulation adopted pursuant thereto.~~

~~2. In addition to the administrative fine prescribed in subsection 1, the Commissioner may impose on a person who violates any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant thereto a civil penalty of not more than \$1,000 per day of the violation, and each day's continuance of the violation constitutes a separate and distinct violation. The Commissioner may recover the reasonable costs of enforcing this subsection, including, without limitation, the costs of investigating and prosecuting the violations and reasonable attorney's fees and costs.] (Deleted by amendment.)~~

Sec. 81. NRS 671.190 is hereby amended to read as follows:

671.190 1. Any person who:

(a) *Without a license, knowingly engages in any activity for which a license is required pursuant to this chapter;*

(b) Violates any provision of this chapter, or any regulation adopted or order issued by the Commissioner pursuant to this chapter;

~~[(b)]~~ (c) Knowingly makes any false or misleading statement of a material fact in any application, statement or report filed pursuant to this chapter;

~~[(c)]~~ (d) Knowingly omits to state any material fact necessary to provide the Commissioner with information lawfully required by the Commissioner; or

~~[(d)]~~ (e) Refuses to permit or obstructs any lawful investigation, examination, entry or access by the Commissioner,

↪ is guilty of a misdemeanor.

2. Each day during which a violation continues constitutes a separate offense.

3. The imposition of any fine or term of imprisonment pursuant to subsection 1:

(a) Is in addition to any suspension, revocation or denial of renewal of a license which may result from the violation.

(b) Is not a bar to enforcement of this chapter by an injunction or other appropriate civil remedy.

Sec. 82. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002,

293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470,

678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 37 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 83. Notwithstanding the amendatory provisions of this act, a person who, on June 30, 2023, holds a valid license issued by the Commissioner of Financial Institutions pursuant to NRS 671.060 is not required to comply with the amendatory provisions of this act until January 1, 2024, and, until that date, may engage in the business of selling or issuing checks or of receiving for transmission money or credits in accordance with the provisions of chapter 671 of NRS, as those provisions existed before July 1, 2023.

Sec. 84. NRS 671.010, 671.055, ~~and~~ 671.090, **671.140 and 671.150** are hereby repealed.

Sec. 85. This act becomes effective on July 1, 2023.

~~{TEXT}~~ **LEADLINES OF REPEALED SECTIONS**

671.010 Definitions. ~~[As used in this chapter, unless the context otherwise requires:~~

~~1. “Check” means any check, draft, money order or other instrument used for the transmission or payment of money. “Check” does not include a traveler’s check.~~

~~2. “Licensee” means any person licensed under this chapter.~~

~~3. “Nationwide Multistate Licensing System and Registry” or “Registry” has the meaning ascribed to it in NRS 604A.083.]~~

671.055 Application for license: Additional requirements. ~~[In addition to any other requirements set forth by specific statute, each person who applies for a license to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits must submit proof satisfactory to the Commissioner that the person:~~

~~1. Is at least 21 years of age; and~~

~~2. Is a citizen of the United States or lawfully entitled to remain and work in the United States.]~~

671.090 Agents of licensees: When license required; application; fees; regulations; withdrawal of application.

~~[1. A separate license is not required for an agent of a licensee unless the agent directly sells or delivers the licensee’s checks over the counter to the public and, in the ordinary course of such business, receives or has access to:~~

~~(a) The licensee’s checks which, after payment, are returned through banking channels or otherwise for verification, reconciliation or accounting with respect thereto; or~~

~~(b) Bank statements relating to checks so returned.~~

~~2. Each agent of a licensee who must be licensed pursuant to subsection 1 must:~~

~~(a) Submit an application to the Commissioner which is in writing, signed by the applicant and on a form prescribed by the Commissioner;~~

~~(b) Pay an application fee of not less than \$200 and not more than \$500; and~~

~~(c) Pay a license fee of not less than \$200 and not more than \$500.~~

~~3. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.~~

~~4. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.]~~

671.140 Schedule of rates; Posting; excess fees prohibited.

671.150 Deposit of receipts; commingling prohibited; deposit if license suspended or terminated; assets must cover liabilities.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 75.

AN ACT relating to legislative measures; authorizing **, under certain circumstances,** a city that is incorporated by special charter to have one additional legislative measure for the purpose of amending its city charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a city council to request the drafting of a certain number of legislative measures for a regular session of the Legislature based on the population of the city. (NRS 218D.205) This bill provides that if a city is incorporated by special charter (currently the cities of Boulder City, Caliente, Carlin, Carson City, Elko, Henderson, Las Vegas, Mesquite, North Las Vegas, Reno, Sparks, Wells and Yerington), in addition to the number of legislative measures that the city council is authorized to request based on the population of the city, the city council may **, with certain exceptions,** request

1 legislative measure for a regular session that proposes to amend the charter of the city. **This bill further provides that the city council may not request the additional legislative measure that proposes to amend the city charter more than twice in any 10-year period.**

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

Section 1. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. ***If a city is incorporated by special charter, in addition to the number of legislative measures authorized pursuant to subsection 5, the city council may, except as otherwise provided in this subsection, request 1 legislative measure for a regular session that proposes to amend the charter of the city. A city council may not request the additional legislative measure authorized pursuant to this subsection more than twice in any 10-year period.***

7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~{7.}~~ 8. As used in this section, “population” means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 137.

Bill read second time.

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

Amendment No. 124.

AN ACT relating to fetal alcohol spectrum disorders; making certain provisions applicable to fetal alcohol spectrum disorders; **requiring the Medicaid program to provide coverage of certain services to persons with fetal alcohol spectrum disorders;** providing that fetal alcohol spectrum disorder is a developmental disability; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Advisory Board on Maternal and Child Health, the Division of Public and Behavioral Health of the Department of Health and Human Services and the University of Nevada School of Medicine to take certain actions to monitor, prevent, identify and treat fetal alcohol syndrome. (NRS 442.137, 442.385, 442.390, 442.420) Existing law also provides that, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and not to be used in any criminal prosecution of the woman. (NRS 442.395) **Sections 2-6** of this bill expand the applicability of those provisions to apply to all fetal alcohol spectrum disorders. **Section 1** of this bill defines the term “fetal alcohol spectrum disorder” for the purposes of provisions relating to maternal and child health to mean a continuum of birth defects caused by maternal consumption of alcohol during pregnancy.

Existing law requires the Department to administer Medicaid. (NRS 422.270) Section 6.7 of this bill requires the Director of the Department, to the extent that federal financial participation is available, to include under Medicaid coverage for certain supports and services provided to

recipients of Medicaid with fetal alcohol spectrum disorders. Section 6.7 also authorizes the Department to apply to the Federal Government for any waiver granted pursuant to federal law or amendment necessary to the State Plan for Medicaid to receive federal funding to include such coverage in the State Plan. Section 6.3 of this bill makes a conforming change to indicate that the provisions of section 6.7 will be administered in the same manner as the provisions of existing law governing Medicaid.

Existing law defines “developmental disability” for the purpose of provisions governing services for persons with developmental disabilities as a neurological condition that manifests before a person attains the age of 22 years, is likely to continue indefinitely and results in substantial functional limitations. (NRS 435.007) **Section 7** of this bill provides that a fetal alcohol spectrum disorder is a developmental disability.

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

Section 1. NRS 442.003 is hereby amended to read as follows:

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

1. “Advisory Board” means the Advisory Board on Maternal and Child Health.
2. “Department” means the Department of Health and Human Services.
3. “Director” means the Director of the Department.
4. “Division” means the Division of Public and Behavioral Health of the Department.
5. “Fetal alcohol ~~[syndrome]~~” ~~includes fetal alcohol effects.~~ ***spectrum disorder” has the meaning ascribed to it in NRS 432B.0655.***
6. “Freestanding birthing center” has the meaning ascribed to it in NRS 449.0065.
7. “Laboratory” has the meaning ascribed to it in NRS 652.040.
8. “Midwife” means:
 - (a) A person certified as:
 - (1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or
 - (2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or
 - (b) Any other type of midwife.
9. “Provider of health care or other services” means:
 - (a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;
 - (b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;
 - (c) A licensed nurse;
 - (d) A licensed psychologist;
 - (e) A licensed marriage and family therapist;

- (f) A licensed clinical professional counselor;
- (g) A licensed social worker;
- (h) A licensed dietitian; or
- (i) The holder of a certificate of registration as a pharmacist.

Sec. 2. NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of

infants and persons who are pregnant, are giving birth and have given birth, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;
2. Reducing the rate of infant mortality;
3. Reducing the incidence of preventable diseases and handicapping conditions among children;
4. Identifying the most effective methods of preventing fetal alcohol ~~syndrome~~ **spectrum disorder** and collecting information relating to the incidence of fetal alcohol ~~syndrome~~ **spectrum disorders** in this state;
5. Preventing the consumption of alcohol by women during pregnancy;
6. Reducing the need for inpatient and long-term care services;
7. Increasing the number of children who are appropriately immunized against disease;
8. Increasing the number of children from low-income families who are receiving assessments of their health;
9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;
10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol ~~syndrome~~ **spectrum disorders**;
11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and
12. Promoting the health of infants and persons who are pregnant, are giving birth or have given birth by ensuring the availability and accessibility of affordable perinatal services.

Sec. 3. NRS 442.385 is hereby amended to read as follows:

442.385 The Division shall develop and carry out a program of public education to increase public awareness about the dangers of fetal alcohol ~~syndrome~~ **spectrum disorders** and other adverse effects on a fetus that may result from the consumption of alcohol during pregnancy. The program must include, without limitation:

1. Educational messages that are directed toward the general public and specific geographical areas and groups of persons in this State that are

identified pursuant to subsection 1 of NRS 442.420 as having women who are at a high risk of consuming alcohol during pregnancy.

2. Providing training materials to school personnel to assist them in identifying pupils who may be suffering from *a* fetal alcohol ~~syndrome~~ **spectrum disorder** and offering to provide the parents of those pupils with a referral for diagnostic services and treatment.

3. If a toll-free telephone service is otherwise provided by the Division, the use of that telephone service for providing information relating to programs for the treatment of substance use disorders, providers of health care or other services and other available resources, and referrals to those programs, if appropriate. The telephone number must be disclosed in the educational messages provided pursuant to this section.

Sec. 4. NRS 442.390 is hereby amended to read as follows:

442.390 The University of Nevada School of Medicine shall develop guidelines to assist a provider of health care or other services in identifying:

1. Pregnant women who are at a high risk of consuming alcohol during pregnancy; and

2. Children who are suffering from fetal alcohol ~~syndrome~~ **spectrum disorders**.

Sec. 5. NRS 442.395 is hereby amended to read as follows:

442.395 Except as otherwise provided in NRS 239.0115 and 439.538, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol ~~syndrome~~ **spectrum disorders**, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

Sec. 6. NRS 442.420 is hereby amended to read as follows:

442.420 The Division shall develop and maintain a system for monitoring fetal alcohol ~~syndrome~~ **spectrum disorders** that may include, without limitation, a method of:

1. Identifying the geographical areas in this state in which women are at a high risk of consuming alcohol during pregnancy and groups of persons in this state that include such women;

2. Identifying and evaluating deficiencies in existing systems for delivering perinatal care; and

3. Collecting and analyzing data relating to systems for delivering perinatal care.

Sec. 6.3. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 6.7 of this act***, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 6.7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent that federal financial participation is available, include under Medicaid coverage for supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders that are aimed at allowing such recipients to remain living in the home of the recipient or in a community-based setting.

2. The Department may apply to the Secretary of Health and Human Services for any waiver granted pursuant to federal law, amendment to the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to provide the coverage described in subsection 1. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. “Fetal alcohol spectrum disorder” has the meaning ascribed to it in NRS 432B.0655.

Sec. 7. NRS 435.007 is hereby amended to read as follows:

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

1. “Administrative officer” means a person with overall executive and administrative responsibility for those state or nonstate intellectual and developmental disability centers designated by the Administrator.

2. “Administrator” means the Administrator of the Division.

3. “Child” means any person under the age of 18 years who may be eligible for intellectual disability services or developmental disability services.

4. “Department” means the Department of Health and Human Services.

5. “Developmental disability” means autism, cerebral palsy, epilepsy, *a fetal alcohol spectrum disorder* or any other neurological condition diagnosed by a qualified professional that:

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. “Director of the Department” means the administrative head of the Department.

7. “Division” means the Aging and Disability Services Division of the Department.

8. “Division facility” means any unit or subunit operated by the Division for the care, treatment and training of consumers.

9. ***“Fetal alcohol spectrum disorder” has the meaning ascribed to it in NRS 432B.0655.***

10. “Intellectual disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~{10.}~~ 11. “Intellectual and developmental disability center” means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with developmental disabilities. An intellectual and developmental disability center may include facilities for residential treatment and training.

~~{11.}~~ 12. “Medical director” means the chief medical officer of any program of the Division for persons with intellectual disabilities or developmental disabilities.

~~{12.}~~ 13. “Mental illness” has the meaning ascribed to it in NRS 433.164.

~~{13.}~~ 14. “Parent” means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~{14.}~~ 15. “Person” includes a child and any other consumer with an intellectual disability and a child or any other consumer with a developmental disability who has attained the age of 18 years.

~~{15.}~~ 16. “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433.209.

~~{16.}~~ 17. “Residential facility for groups” means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

~~{17.}~~ 18. “Training” means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities or persons with developmental disabilities through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~{18.}~~ 19. “Treatment” means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, 7 and 8 of this act ~~becomes~~ become effective on July 1, 2023.

3. Sections 6.3 and 6.7 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 76.

AN ACT relating to elections; **establishing requirements relating to the purchase of mail ballots and return envelopes used in certain elections in this State**; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections ~~1.5 and 4~~ 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections ~~1.5 and 4~~ 1.5 and 4** also require ~~each county and city clerk to: (1) submit to~~ the Secretary of State ~~in a request to use a unique color for all~~ **to prescribe a method for distinguishing the** return envelopes ~~in the~~ **of each** county or city, ~~as applicable; and (2) print return envelopes in the unique color approved by the Secretary of State for that county or city,~~ as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State. Section 1 further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. Section 5.5 of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least ~~18~~ **17** inches by ~~12~~ **11** inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines “electioneering” to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that “electioneering” includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State shall enter into a contract for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in all presidential preference primary elections, primary elections and general elections held in this State. Such a contract is subject to the provisions of chapter 333 of NRS. Each county clerk and city clerk in this State shall use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to this section for all presidential preference primary elections, primary elections and general elections.

~~Section 1.5.~~ **Sec. 1.5.** NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include ~~+~~
~~(a) Include~~ postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base ~~;~~ and
~~(b) Be printed in a unique color approved by the Secretary of State pursuant to subsection 6 for the county.~~

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the county clerk finds appropriate.

5. *The Secretary of State shall prescribe ~~the~~ :*

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in ~~subsections 3 and 6,~~ paragraph (b), be uniform throughout the State ~~;~~

~~6. Each county clerk shall submit to the Secretary of State a request to use a unique color for all return envelopes in the county.~~ ; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~Voting~~; and *Voting.*"

(b) At the outer limits of the area within which electioneering is prohibited, ~~at~~ *at least one* sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." *The county clerk shall ensure that any sign posted pursuant to this paragraph is:*

(1) At least ~~18~~ 17 inches by ~~12~~ 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~{2,}~~ 3, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

↪ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. *The county clerk shall ensure that any notice posted pursuant to subsection 1 is:*

(a) *At least ~~{18}~~ 17 inches by ~~{12}~~ 11 inches in size;*

(b) *Placed on a window or door of the polling place or a freestanding sign; and*

(c) *Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.*

3. The provisions of ~~{subsection}~~ *subsections 1 and 2* do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~{3,}~~ 4. Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~{4,}~~ 5. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~{is designed or tends to aid or promote the success or defeat of}~~ *expressly refers to* any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include ~~be~~

~~(a) Include~~ postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base, ~~and~~

~~(b) Be printed in a unique color approved by the Secretary of State pursuant to subsection 6 for the city.~~

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe ~~the~~ :

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in ~~subsections 3 and 6,~~ paragraph (b), be uniform throughout the State ~~is~~

~~6. Each city clerk shall submit to the Secretary of State a request to use a unique color for all return envelopes in the city.~~ ; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

- (a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters “Polling Place for Early ~~Voting~~; and **Voting.**”

(b) At the outer limits of the area within which electioneering is prohibited, ~~fa~~ **at least one** sign on which is printed in large letters “Distance Marker: No electioneering between this point and the entrance to the polling place.” **The city clerk shall ensure that any sign posted pursuant to this paragraph is:**

(1) **At least ~~18~~ 17 inches by ~~12~~ 11 inches in size;**

(2) **Placed on a window or door of the polling place or a freestanding sign; and**

(3) **Visible to a person approaching the outer limits of the area within which electioneering is prohibited.**

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.5. Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to section 1 of this act for the presidential preference primary election, primary election and general election that is held in 2024.

Sec. 6. 1. This section ~~becomes~~ **and section 5.5 of this act become** effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 201.

Bill read second time.

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

Amendment No. 68.

~~{CONTAINS UNFUNDED MANDATE (§§ 3, 9)~~

~~(Not Requested by Affected local Government)~~

AN ACT relating to behavioral health; requiring the ~~Commission on Behavioral~~ **Department of Health and Human Services** to provide certain oversight and make certain recommendations concerning the children’s behavioral health system of care; ~~requiring the formulation and operation of~~

adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; prescribing certain duties of a regional behavioral health policy board; creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing each mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature; clarifying the authority of the State Board of Health to require the licensing of certain facilities; requiring the Joint Interim Standing Committee on Health and Human Services to conduct a study of the feasibility of formulating and operating a comprehensive state ~~plans~~ **plan** to provide behavioral health services for adults and children; ~~requiring the certification of persons and entities who receive federal or state money to provide such services; requiring the adoption of clinical standards of care for the provision of such services; revising certain duties of the Commission, regional behavioral health policy boards and mental health consortiums of this State;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires (1) the ~~Commission on Behavioral Health~~ to establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders and persons with co-occurring disorders. (NRS 433.314) **Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the provision of behavioral health services in this State; and (2) the Division of Child and Family Services of the Department to administer provisions governing mental health services for children. (NRS 433.331-433.374, chapter 433B of NRS) Section 2 of this bill requires the ~~Commission~~ **Department** to: (1) track the spending of federal and state money on the children's behavioral health system of care, which consists of certain behavioral health services for children and their families; (2) quantify and track the costs avoided through such expenditures; and (3) perform certain duties to provide oversight for and make recommendations concerning the reinvestment of the money saved through such avoided costs in the children's behavioral health system of care. ~~Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders; (2) coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of programs for alcohol or other substance use disorders in this State; and (3) certify or deny the certification of detoxification technicians or any facilities or programs on the basis of the standards established by the State Board of Health. Existing law makes a detoxification technician or facility or program that has not obtained such certification ineligible to receive state and federal money for programs for~~**

~~alcohol or other substance use disorders. (NRS 458.025) Sections 3 and 9 of this bill require the Division of Public and Behavioral Health and the Division of Child and Family Services of the Department, respectively, to: (1) formulate and operate comprehensive state plans to provide behavioral health services for adults and children, as applicable; and (2) coordinate the efforts to carry out the state plans and coordinate all state and federal financial support of behavioral health services for children and adults, as applicable, in this State. Sections 3 and 9 require a person or entity that provides behavioral health services to be certified by the Division of Public and Behavioral Health or the Division of Child and Family Services, as applicable, in order to receive federal or state money for the provision of behavioral health services for adults or children, as applicable. Section 13 of this bill allows a person or entity that provides behavioral health services and is not so certified to continue to receive such money until July 1, 2024. Sections 3 and 9 also require the Board and the Division of Child and Family Services to adopt regulations prescribing clinical standards of care for the provision of behavioral health services for adults and children, respectively. Sections 4-6 of this bill: (1) eliminate certain duties of the Commission that are similar to duties prescribed by sections 3 and 9; and (2) instead require the Commission to make recommendations to the Division of Public and Behavioral Health and the Division of Child and Family Services, as appropriate, concerning the performance of the duties prescribed by sections 3 and 9. Sections 7, 10 and 12 of this bill make conforming changes to replace references to duties eliminated by sections 4-6.]~~

Existing law establishes a regional behavioral health policy board for each of the five behavioral health regions of this State. (NRS 433.428, 433.429) Existing law requires each regional behavioral health policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the Commission **on Behavioral Health** regarding certain matters relating to behavioral health in the region; and (2) submit an annual report to the Commission concerning the behavioral health needs of the region and certain duties of the policy board. (NRS 433.4295) **Section 8** of this bill additionally requires each regional behavioral health policy board to advise the Division of Child and Family Services regarding behavioral health for children in the region over which the policy board has jurisdiction. **Section 8** also requires a regional behavioral health policy board to additionally submit the annual report to the Division of Public and Behavioral Health and the Division of Child and Family Services.

Existing law establishes a mental health consortium for each county whose population is 100,000 or more (currently Clark and Washoe Counties) and another behavioral health consortium for the jurisdiction consisting of all other counties in this State. (NRS 433B.333) **Section 10.5 of this bill establishes a statewide mental health consortium to represent all mental health consortia established by existing law. Section 10.5 also prescribes the membership of the statewide mental health consortium. Section 11.3 of this bill prescribes the powers and duties of the statewide mental health**

consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.

Existing law requires each mental health consortium to: (1) prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium; and (2) annually submit to the Director of the Department and the Commission certain reports relating to the long-term strategic plan. (NRS 433B.335) **Section 11 of this bill exempts the statewide mental health consortium from those requirements. Sections 6 and 11.6 of this bill make conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit a long-term strategic plan. Section 11 [of this bill] additionally requires each mental health consortium that represents a particular region to submit the long-term strategic plan and the annual reports to the Administrator of the Division of Child and Family Services.**

Existing law requires the Commission to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) Section 6 requires that subcommittee to include two members of the statewide mental health consortium.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 12.3 of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature. Section 12.5 of this bill makes a conforming change to indicate the proper placement of section 12.3 in the Nevada Revised Statutes.

Existing law: (1) requires a medical facility or facility for the dependent to obtain a license from the Division of Public and Behavioral Health; and (2) authorizes the State Board of Health to adopt regulations requiring the licensing of other types of facilities that provide any type of medical care or treatment. (NRS 449.030, 449.0303) Section 12.8 of this bill clarifies that the authority of the State Board to require such licensing includes the authority to require the licensing of facilities that provide behavioral health care or treatment.

Existing law requires the Division of Public and Behavioral Health to formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders. (NRS 458.025) Section 13.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services to study, during the 2023-2024 interim, the feasibility of formulating and operating a similar comprehensive state plan for the provision of behavioral health services to adults and children in this State.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. ~~The [Commission] Department shall:~~

(a) Track the spending of federal and state money on the children's behavioral health system of care;

(b) ~~Using an evidence-based method of calculating averted expenses prescribed by the Department, quantify~~ Quantify and track the costs avoided through the expenditures described in paragraph (a) over time;

(c) Solicit, compile and analyze information and hold public hearings concerning:

(1) The use of federal and state money spent on the children's behavioral health system of care; and

(2) Ways to reinvest the money saved through the avoided costs quantified pursuant to paragraph (b) in the children's behavioral health system of care in a manner that addresses the behavioral health needs of children in this State and reduces the involvement of such children in the child welfare and juvenile justice systems; ~~and~~

(d) On or before ~~August 1~~ June 30 of every even-numbered year ~~for~~

~~(1) Compile a report which includes, without limitation,~~ present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning:

~~(I)~~ (1) The costs that are projected to be avoided through the expenditure of federal and state money on the children's behavioral health system of care during the immediately following 2 years; and

~~(II)~~ (2) Recommendations for the reinvestment of such avoided costs in accordance with subparagraph (2) of paragraph (c); and

~~(2) Submit the~~

(e) On or before December 31 of every even-numbered year, submit a report ~~compiled pursuant to subparagraph (1)~~ of the information described in paragraph (d) to the Governor, ~~the Director of the Department~~ and the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of the next regular session of the Legislature.

2. For the purposes of this section, the children's behavioral health system of care consists of:

(a) Respite care for families and caregivers;

(b) Community-based and in-home behavioral health services for children;

(c) Services for children in a behavioral health crisis, including, without limitation, mobile crisis services and services for in-home stabilization;

(d) Services to promote the coordination of behavioral health care between families and providers, including, without limitation, high fidelity wraparound;

(e) Family-to-family peer support services;

(f) Specialty services for children with an emotional disturbance and dual diagnoses;

(g) Behavioral health services identified in the state plan for foster care and adoption assistance established pursuant to 42 U.S.C. § 671; and

(h) Any other services prescribed by regulation of the Division of Child and Family Services of the Department.

3. As used in this section:

(a) “Child with an emotional disturbance” has the meaning ascribed to it in NRS 433B.045.

(b) “High fidelity wraparound” means an evidence-based, structured and team-oriented process for developing and implementing a plan to meet all of the behavioral health needs of a child with complex behavioral health issues in collaboration with the family of the child.

Sec. 3. ~~I. The Division:~~

~~(a) Shall formulate and operate a comprehensive state plan to provide behavioral health services for adults which must include, without limitation:~~

~~(1) A survey of the need for behavioral health services for adults, including, without limitation, a survey of the providers needed to provide services and a plan for the development and distribution of services and programs throughout this State.~~

~~(2) A plan for programs to educate the public on issues relating to behavioral health disorders and behavioral health services for adults.~~

~~(3) A survey of the need for persons who have professional training in fields of behavioral health and other persons involved in the provision of behavioral health services for adults, and a plan to provide the necessary services.~~

~~↪ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for behavioral health services for adults and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for programs for behavioral health services for adults.~~

~~(b) Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of behavioral health services for adults in this State.~~

~~(c) Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with behavioral health services for adults, and shall review the applications and advise the applicants concerning the applications.~~

~~(d) Shall certify or deny certification of providers of behavioral health services for adults on the basis of the standards established by the State Board of Health pursuant to subsection 2, and publish a list of certified~~

~~providers. Any providers of behavioral health services for adults which are not certified are ineligible to receive state or federal money to provide such services.~~

~~—(c) Upon request from a provider of behavioral health services for adults which is self-supported, may certify the provider and add the provider to the list described in paragraph (d).~~

~~—2. The State Board of Health shall adopt regulations to carry out the provisions of this section. The regulations:~~

~~—(a) Must prescribe clinical standards of care for the provision of behavioral health services for adults; and~~

~~—(b) May prescribe the fees for the certification of providers of behavioral health services for adults. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate.~~

~~—3. As used in this section:~~

~~—(a) “Behavioral health services for adults” means any services for adults with mental illnesses, intellectual disabilities, developmental disabilities or similar conditions. The term does not include services for adults with alcohol or other substance use disorders, except to the extent that an alcohol or other substance use disorder is co-occurring with a condition described in this section.~~

~~—(b) “Provider of behavioral health services for adults” means any person or entity that provides behavioral health services for adults, including, without limitation, a facility, a provider of health care or other services or a community-based service or program.] (Deleted by amendment.)~~

Sec. 4. [NRS 423.314 is hereby amended to read as follows:

~~423.314 1. The Commission shall:~~

~~—(a) [Establish policies] Recommend to the Division and the Division of Child and Family Services of the Department, as applicable, for inclusion in the state plans formulated pursuant to NRS 458.025 and sections 3 and 9 of this act:~~

~~—(1) Policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;~~

~~—[(b) Set policies] and~~

~~—(2) Policies for the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;~~

~~—[(c)] (b) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;~~

~~—[(d)] (c) Review the programs and finances of the Division;~~

~~—[(e)] (d) Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:~~

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

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

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

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

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

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

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

Sec. 5. ~~[NRS 433.316 is hereby amended to read as follows:~~

~~433.316 The Commission may:~~

~~1. Collect and disseminate information pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~2. Request legislation pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~4. Accept, as authorized by the Legislature, gifts and grants of money and property.~~

~~5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided~~

through private nonprofit organizations, governmental entities, hospitals and clinics.

~~6. Promote programs for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~7. [Create a plan to coordinate the] *Make recommendations to the Division and the Division of Child and Family Services of the Department, as applicable, for inclusion in the state plans formulated pursuant to NRS 458.025 and sections 3 and 9 of this act to coordinate* services for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.~~

~~8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.~~

~~10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.~~

~~12. Take any other action necessary to promote mental health in this State.] **(Deleted by amendment.)**~~

Sec. 6. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations ~~[of each mental health consortium]~~ submitted by mental health consortia pursuant to NRS 433B.335 and to create a statewide ~~[make recommendations to the Division of Child and Family Services of the Department concerning the state]~~ plan for the provision of mental ~~[to provide behavioral]~~ health services to [for]

children ~~formulated pursuant to section 9 of this act.~~ The members of the subcommittee must include, without limitation:

(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and

(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 of NRS 433B.333, other than the Chair of the statewide mental health consortium.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

~~Sec. 7. NRS 433.395 is hereby amended to read as follows:~~

~~433.395 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~(a) Donations of money and gifts of real or personal property; and~~

~~(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with mental illness.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with mental illness in a manner that supports the state plan to [coordinate services] provide behavioral health services for adults created by the [Commission] Division pursuant to [subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with mental illness in consideration of the nature and value of the donation, gift or grant.] section 3 of this act and the state plan to provide behavioral health services for children created by the Division of Child and Family Services of the Department pursuant to section 9 of this act.~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.] (Deleted by amendment.)~~

Sec. 8. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, *the Division, the Division of Child and Family Services* and *the Commission, as appropriate*, regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

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

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

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

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

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

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

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

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

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

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

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

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the

Commission, *the Division and the Division of Child and Family Services* which includes, without limitation:

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

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

3. *As used in this section, "Division of Child and Family Services" means the Division of Child and Family Services of the Department.*

Sec. 9. ~~[Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**1. The Division:**~~

~~*(a) Shall formulate and operate a comprehensive state plan to provide behavioral health services for children which must include, without limitation:*~~

~~*(1) A survey of the need for behavioral health services for children, including, without limitation, a survey of the providers needed to provide services and a plan for the development and distribution of services and programs throughout this State.*~~

~~*(2) A plan for programs to educate the public on issues relating to behavioral health disorders and behavioral health services for children.*~~

~~*(3) A survey of the need for persons who have professional training in fields of behavioral health and other persons involved in the provision of behavioral health services for children, and a plan to provide the necessary services.*~~

~~*In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for behavioral health services for children and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for behavioral health services for children.*~~

~~*(b) Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of behavioral health services for children in this State.*~~

~~*(c) Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with*~~

~~behavioral health services for children, and shall review the applications and advise the applicants concerning the applications.~~

~~(d) Shall certify or deny certification of providers of behavioral health services for children on the basis of the standards established by the Division pursuant to subsection 2 and publish a list of certified providers. Any providers of behavioral health services for children which are not certified are ineligible to receive state or federal money to provide such services.~~

~~(e) Upon request from a provider of behavioral health services for children which is self supported, may certify the provider and add them to the list described in paragraph (d).~~

~~2. The Division shall adopt regulations to carry out the provisions of this section. The regulations:~~

~~(a) Must prescribe clinical standards of care for the provision of behavioral health services for children; and~~

~~(b) May prescribe the fees for the certification of providers of behavioral health services for children. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate.~~

~~3. As used in this section:~~

~~(a) "Behavioral health services for children" means any services for children with mental illnesses, emotional disturbances, intellectual disabilities, developmental disabilities or similar conditions. The term does not include services for children with alcohol or other substance use disorders, except to the extent that an alcohol or other substance use disorder is co-occurring with a condition described in this section.~~

~~(b) "Provider of behavioral health services for children" means any person or entity that provides behavioral health services for children, including, without limitation, a facility, a provider of health care or other services or a community based service or program.] (Deleted by amendment.)~~

Sec. 10. [NRS 433B.130 is hereby amended to read as follows:

~~433B.130 1. The Administrator shall:~~

~~(a) Administer, in accordance with the [policies established by the Commission.] state plan to provide behavioral health services for children formulated pursuant to section 9 of this act, the programs of the Division for the mental health of children.~~

~~(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.468.1 to 432B.469, inclusive, and the policies adopted pursuant thereto.~~

~~(c) Upon an order of a juvenile court pursuant to NRS 62D.180 or 62D.185, accept and provide services to a child who has been determined to be incompetent by the juvenile court.~~

~~2. The Administrator may:~~

~~(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.~~

~~(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.~~

~~3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.~~

~~4. The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.] (Deleted by amendment.)~~

Sec. 10.5. NRS 433B.333 is hereby amended to read as follows:

433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:

- (a) A county whose population is 100,000 or more; and
- (b) The region consisting of all counties whose population are less than 100,000.

2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:

- (a) A representative of the Division;
- (b) A representative of the agency which provides child welfare services;
- (c) A representative of the Division of Health Care Financing and Policy of the Department;
- (d) A representative of the board of trustees of the school district in the county;
- (e) A representative of the local juvenile probation department;
- (f) A representative of the local chamber of commerce or business community;
- (g) A private provider of mental health care;
- (h) A provider of foster care;
- (i) A parent of a child with an emotional disturbance; and
- (j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:

- (a) A representative of the Division of Public and Behavioral Health of the Department;
- (b) A representative of the agency which provides child welfare services in the region;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the boards of trustees of the school districts in the region;

(e) A representative of the local juvenile probation departments;

(f) A representative of the chambers of commerce or business community in the region;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:

(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.

(b) The following voting members:

(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;

(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and

(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.

(c) The following voting members, appointed by the mental health consortium established by subsection 1 of which they are a member:

(1) Not more than three members from each mental health consortium established by subsection 1; and

(2) In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established by subsection 1.

5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.

Sec. 11. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established ~~pursuant to~~ **by subsection 1 of** NRS 433B.333 shall prepare and submit to the Director of the Department ***and the Administrator*** a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium established by subsection 1 of NRS 433B.333 must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium established by subsection 1 of NRS 433B.333 shall submit to the Director of the Department, *the Administrator* and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium ~~that~~ established by subsection 1 of NRS 433B.333. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium established by subsection 1 of NRS 433B.333 a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each mental health consortium established by subsection 1 of NRS 433B.333 shall submit to the Director of the Department, *the Administrator* and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 11.3. NRS 433B.337 is hereby amended to read as follows:

433B.337 1. A mental health consortium established by subsection 1 of NRS 433B.333 may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation,

advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.

2. *The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:*

(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.

(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.

(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.

(d) Take any other action necessary to promote the mental health of children in this State.

3. *The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:*

(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.

(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.

4. To the extent practicable, a mental health consortium *established by subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333* shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 11.6. NRS 433B.339 is hereby amended to read as follows:

433B.339 1. A mental health consortium established by *subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of* NRS 433B.333 may:

(a) Enter into contracts and agreements to carry out the provisions of this section, ~~and NRS 433B.335 and~~ 433B.337 ~~and~~ and, *if applicable, NRS 433B.335; and*

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section, ~~and NRS 433B.335 and~~ 433B.337 ~~and~~ *and, if applicable, NRS 433B.335.*

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section, ~~and~~ NRS ~~433B.335 and~~ 433B.337 ~~and, if applicable, NRS 433B.335.~~

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 12. ~~[NRS 435.490 is hereby amended to read as follows:~~

~~435.490 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~(a) Donations of money and gifts of real or personal property; and~~

~~(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with intellectual disabilities or persons with developmental disabilities.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual disabilities or persons with developmental disabilities in a manner that supports the state plan to [coordinate] **provide behavioral health services for adults** created by the [Commission on] **Division of Public and Behavioral Health of the Department** pursuant to [subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual disabilities or persons with developmental disabilities in consideration of the nature and value of the donation, gift or grant.] **section 3 of this act and the state plan to provide behavioral health services for children created by the Division of Child and Family Services of the Department pursuant to section 9 of this act.**~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.] (Deleted by amendment.)~~

Sec. 12.3. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the statewide mental health consortium established by subsection 4 of NRS 433B.333 and each mental health consortium established by subsection 1 of NRS 433B.333 may request the drafting of not more than one legislative measure which relates to matters within the scope of the consortium.

2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding a regular session.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 12.5. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, **and section 12.3 of this act** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, **and section 12.3 of this act** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 12.8. NRS 449.0303 is hereby amended to read as follows:

449.0303 The Board may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, if the:

1. Facility provides any type of medical care or treatment ~~for~~, **including, without limitation, behavioral health care or treatment;** and

2. Regulation is necessary to protect the health of the general public.

~~Sec. 13. [1. Notwithstanding the provisions of sections 3 and 9 of this act, a provider of behavioral health services for adults or a provider of behavioral health services for children who receives federal or state money to provide behavioral health services for adults or behavioral health services for children and is not certified pursuant to section 3 or 9, as applicable, of this act may continue to receive federal or state money to provide such services without such certification until July 1, 2024.~~

~~2. As used in this section:~~

~~(a) "Behavioral health services for adults" has the meaning ascribed to it in section 3 of this act.~~

~~(b) "Behavioral health services for children" has the meaning ascribed to it in section 9 of this act.~~

~~(c) "Provider of behavioral health services for adults" has the meaning ascribed to it in section 3 of this act.~~

~~(d) "Provider of behavioral health services for children" has the meaning ascribed to it in section 9 of this act.] (Deleted by amendment.)~~

Sec. 13.5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study the feasibility of formulating and operating a comprehensive plan to provide behavioral health services for adults and children in this State. In conducting the study, the Joint Interim Standing Committee may collaborate with:

(a) The Commission on Behavioral Health;

(b) Any mental health consortium established by NRS 433B.333, as amended by section 10.5 of this act;

(c) Personnel of the Department of Health and Human Services or any division thereof;

(d) Any regional behavioral health policy board created by NRS 433.429; and

(e) Any other state or local governmental entity that provides behavioral health services in this State.

2. On or before September 1, 2024, the Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study conducted pursuant to subsection 1 and recommendations for legislation resulting from the study to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~
(Deleted by amendment.)

Sec. 16. ~~[1.] This [section] act becomes effective [upon passage and approval.~~

~~2. Sections 1, 2 and 14 of this act become effective on July 1, 2023.~~

~~3. Sections 3 to 13, inclusive, and 15 of this act become effective:~~

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

~~(b) On January 1, 2024, for all other purposes.] on July 1, 2023.~~

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

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

Amendment No. 89.

AN ACT relating to public works; requiring a contractor ~~for subcontractor~~ on a public work to provide a worker with written **or electronic** notice of certain information; ~~in the primary language of the worker; requiring the Labor Commissioner to prepare template forms for such notice; requiring a contractor or subcontractor on a public work to provide certain information to workers regarding leave;~~ requiring a person found by the Labor Commissioner to have **willfully and repeatedly** failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every contract to which a public body of this State is a party that requires the employment of certain skilled, semiskilled and unskilled workers to contain in express terms the hourly and daily rate of wages to be paid to each class of applicable workers. The hourly and daily rate must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020, ~~and~~ **338.030**) ~~Section 2, 5.5~~ of this bill requires each contractor ~~and subcontractor~~ engaged on a public work to provide ~~each worker at the time of hiring~~ **his or her workers assigned to the public work** with a written **or electronic** notice ~~in English and the worker's primary language~~ that sets forth: ~~for the worker to whom the notice is given;~~ (1) the ~~normal hourly wage rate or rates that the worker will be paid for working on the public work, based on the relevant prevailing wages;~~ **Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted;** (2) the ~~overtime hourly wage rate or rates that the worker will be paid for working any overtime on the public work, based on the relevant prevailing wages;~~ **name of the contractor; and** (3) the ~~amount by which the Labor Commissioner has discharged the requirement to pay prevailing wages for the contractor or subcontractor providing bona fide fringe benefits, if applicable;~~ (4) certain information relating to the contractor or subcontractor; and (5) any other such information required by the Labor Commissioner. **physical address of the principal place of business of the contractor.** ~~Section 2, 5.5~~ further requires the contractor ~~for subcontractor~~ to obtain from each worker a written **or electronic** acknowledgment of receipt of the ~~written~~ notice, to be maintained by the contractor ~~for subcontractor~~ for a period of at least ~~3 years.~~

~~Section 3 of this bill requires the Labor Commissioner to prepare template forms of the notice required pursuant to section 2. Each template form must contain the necessary information in both English and one other language. The Labor Commissioner shall determine, at his or her discretion, the languages other than English in which the template forms will be prepared. Section 3 also provides that if a notice required pursuant to section 2 must be provided to a worker in a language that is not provided by the Labor Commissioner, the~~

~~contractor or subcontractor must have the notice translated into the primary language of the worker.~~

~~Section 4 of this bill requires each contractor or subcontractor engaged on a public work to notify his or her workers of the policy of the contractor or subcontractor, as applicable, relating to sick leave, vacation leave, personal leave, holiday leave and holiday hours.~~

~~Existing law requires a contractor engaged on a public work and a subcontractor engaged on a public work to keep accurate records that include certain information for each worker employed by the contractor or subcontractor in connection with the public work. (NRS 338.070) Section 5 of this bill requires such accurate records to also contain the primary language of the worker, as identified by the worker. } 2 years and made available to the Labor Commissioner upon request.~~

Existing law requires, with certain exception, the Labor Commissioner, after an opportunity for a hearing, to assess a person found to have failed to pay the required prevailing wage an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid. (NRS 338.090) **Section 6** of this bill requires, without exception, a person found to have **willfully and repeatedly** failed to pay the prevailing wage to pay an affected worker damages in an amount that is equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the affected worker.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 5.5, inclusive,** of this act.

Sec. 2. ~~{1. Each contractor and subcontractor engaged on a public work shall, at the time that the contractor or subcontractor, as applicable, hires a worker in connection with the public work:~~

~~(a) Ask the worker what his or her primary language is; and~~

~~(b) Provide the worker with a written notice that:~~

~~(1) Contains the information required pursuant to subsection 2; and~~

~~(2) Is prepared on the template form created by the Labor Commissioner that is in the primary language of the worker and English or, if a notice is required in a language for which the Labor Commissioner has not created a template form, is translated into the required primary language of the worker.~~

~~2. The written notice required pursuant to subsection 1 must set forth for the worker to whom the notice is given:~~

~~(a) The normal hourly wage rate or rates that the worker will be paid for working on the public work, based on the applicable prevailing wage or wages for the worker;~~

~~(b) The overtime hourly wage rate or rates that the worker will be paid for working any overtime on the public work, based on the applicable prevailing wage or wages for the worker;~~

~~(c) If, pursuant to NRS 338.035, the Labor Commissioner has discharged any part of the obligation of the contractor or subcontractor to pay the prevailing~~

~~wage because the contractor or subcontractor provides bona fide fringe benefits, the amount by which the prevailing wage is discharged;~~

~~(d) The following information related to the contractor or subcontractor:~~

~~(1) The name of the contractor or subcontractor and all other names under which the contractor or subcontractor does business;~~

~~(2) The physical address of the principal place of business of the contractor or subcontractor;~~

~~(3) The mailing address of the contractor or subcontractor; and~~

~~(4) The telephone number of the contractor or subcontractor; and~~

~~(e) Any other information that is required to be included by the Labor Commissioner.~~

~~3. The contractor or subcontractor, as applicable, shall obtain a written acknowledgement of receipt of the notice required pursuant to this section from each worker. Each written acknowledgment must be maintained by the contractor or subcontractor for at least 3 years, made available to the Labor Commissioner upon request and include, without limitation:~~

~~(a) The worker's name and signature;~~

~~(b) The date on which the worker received the notice;~~

~~(c) The worker's primary language, as indicated by the worker;~~

~~(d) An indication from the worker as to whether the worker received the notice in his or her primary language; and~~

~~(e) Any other information required by the Labor Commissioner.]~~

~~(Deleted by amendment.)~~

~~Sec. 3. [1. The Labor Commissioner shall prepare template forms of the notice required pursuant to section 2 of this act.~~

~~2. Each template form prepared pursuant to subsection 1 must contain the necessary information in both English and one other language. The Labor Commissioner shall determine, at his or her discretion, the languages other than English in which the template forms will be prepared. Such determination by the Labor Commissioner must be based upon the major languages used in this State and any other factor the Labor Commissioner determines is relevant.~~

~~3. If the Labor Commissioner has not created a template form in the primary language of a worker of a contractor or subcontractor, the contractor or subcontractor shall have the template form created pursuant to this section by the Labor Commissioner in English translated into the primary language of the worker.~~

~~4. The Labor Commissioner shall make the template forms created pursuant to this section available to contractors and subcontractors engaged~~

~~on a public work in any manner determined appropriate by the Labor Commissioner.] (Deleted by amendment.)~~

~~Sec. 4. [1. Each contractor or subcontractor engaged on a public work shall notify his or her workers of the policy of the contractor or subcontractor, as applicable, relating to sick leave, vacation leave, personal leave, holiday leave and holiday hours. The notice must be:~~

~~(a) In writing; and~~

~~(b) Personally given to each worker or posted in a conspicuous place where workers can reasonably be expected to see the notice.~~

~~2. If a contractor or subcontractor makes any change to the policy of the contractor or subcontractor, as applicable, described in subsection 1, the contractor or subcontractor shall, not later than 7 calendar days before any change is effective, notify his or her workers of the change. The notice must be:~~

~~(a) In writing; and~~

~~(b) Personally given to each worker or posted in a conspicuous place where workers can reasonably be expected to see the notice.] (Deleted by amendment.)~~

~~(Deleted by amendment.)~~

Sec. 5. [NRS 338.070 is hereby amended to read as follows:

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:~~

~~(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) Whether the worker wishes to specify voluntarily his or her gender; and~~

~~(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and~~

~~(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):~~

~~(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and~~

~~(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.~~

~~A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.~~

~~5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:~~

~~(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) The name of the worker;~~

~~(2) The occupation of the worker;~~

~~(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(5) *The primary language of the worker, as identified by the worker;*~~

~~(6) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~[(6)] (7) The actual per diem, wages and benefits paid to the worker; and~~

~~(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

~~(1) The name of the worker;~~

~~(2) The driver's license number or identification card number of the worker; and~~

~~(3) The state or other jurisdiction that issued the license or card.~~

~~6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in~~

~~the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.~~

~~7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:~~

~~(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

~~(1) Ten days after the end of the month; or~~

~~(2) A date agreed upon by the contractor and subcontractor; and~~

~~(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.~~

~~Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.~~

~~8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 5.5. 1. A contractor engaged on a public work shall provide to his or her workers assigned to the public work a written or electronic notice that includes, without limitation:

(a) The Internet website of the Labor Commissioner where the prevailing wage rates for the public work are posted;

(b) The name of the contractor; and

(c) The physical address of the principal place of business of the contractor.

2. A contractor shall obtain a written or electronic acknowledgement of receipt of the notice pursuant to this section from each worker assigned to the public work. Each acknowledgement of notice must be maintained by the contractor for at least 2 years, made available to the Labor Commissioner upon request and include, without limitation:

(a) The worker's name, contact information and signature; and

(b) The date on which the worker received the notice.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; ~~and~~

(b) *Shall require a person found to have **willfully and repeatedly** failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, to pay damages to each affected worker in an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the worker; and*

(c) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 110.

SUMMARY—Authorizes the management of designated ~~terrestrial~~ invertebrates. (BDR 45-339)

AN ACT relating to wildlife; authorizing the management of designated ~~terrestrial~~ invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; revising the definition of “wildlife” to include designated ~~terrestrial~~ invertebrates; establishing a wildlife classification for designated ~~terrestrial~~ invertebrates; requiring the listing of designated ~~terrestrial~~ invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes certain provisions governing the management of wildlife in this State by the Board of Wildlife Commissioners and the Department of Wildlife. (Chapter 501 of NRS) This bill expands the wildlife managed by the Board and Department to include designated ~~terrestrial~~ invertebrates. As a result of the inclusion of designated ~~terrestrial~~ invertebrates, certain fees and penalties that apply to violations of certain provisions of law relating to wildlife will also apply to designated ~~terrestrial~~ invertebrates. (*See, e.g.*, NRS 501.385, 502.240, 504.295)

Section 2 of this bill defines “designated ~~terrestrial~~ invertebrate” to mean any nonpest species of ~~terrestrial~~ invertebrate designated as a species of greatest conservation need in the State Wildlife Action Plan. **Section 3** of this bill defines “State Wildlife Action Plan.” **Section 5** of this bill revises the definition of “wildlife” to include designated ~~terrestrial~~ invertebrates.

Section 4 of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** in the Nevada Revised Statutes.

Existing law requires: (1) wildlife to be classified into certain categories; and (2) the Commission to place each species of wildlife in a classification by regulation. (NRS 501.110) **Section 6** of this bill establishes a classification for designated ~~terrestrial~~ invertebrates.

Existing law provides that if the Commission determines that the existence of a species or subspecies of native fish, wildlife and other fauna is endangered and its survival requires assistance, the Commission must place the animal on the list of fully protected species and the animal may not be captured, removed or destroyed except by means of a special permit issued by the Department. (NRS 503.585) **Sections 5, 7 and 8** of this bill provide for the placement of designated ~~terrestrial~~ invertebrates on the list of fully protected species.

Existing law requires the Commission to carry out a program for conserving, protecting, restoring and propagating selected species of native fish, wildlife and other vertebrates and their habitats which are threatened with extinction and destruction. (NRS 503.587) **Section 9** of this bill requires the Commission to include designated ~~terrestrial~~ invertebrates in such a program.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. “*Designated ~~terrestrial~~ invertebrate*” means any nonpest species of ~~terrestrial~~ invertebrate designated as a species of greatest conservation need in the State Wildlife Action Plan.

Sec. 3. “*State Wildlife Action Plan*” means a statewide plan prepared by the Department and approved by the United States Fish and Wildlife Service which sets forth provisions for the conservation of wildlife and wildlife habitat, including, without limitation, provisions for assisting in the prevention of any species of wildlife from becoming threatened or endangered.

Sec. 4. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, **and sections 2 and 3 of this act**, have the meanings ascribed to them in those sections.

Sec. 5. NRS 501.097 is hereby amended to read as follows:

501.097 “Wildlife” means any wild mammal, wild bird, fish, reptile, amphibian, mollusk, ~~or~~ crustacean **or designated ~~terrestrial~~ invertebrate** found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 6. NRS 501.110 is hereby amended to read as follows:

501.110 1. For the purposes of this title, wildlife must be classified as follows:

(a) Wild mammals, which must be further classified as either game mammals, fur-bearing mammals, protected mammals or unprotected mammals.

(b) Wild birds, which must be further classified as either game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.

(c) Fish, which must be further classified as either game fish, protected fish or unprotected fish.

(d) Reptiles, which must be further classified as either protected reptiles or unprotected reptiles.

(e) Amphibians, which must be further classified as either game amphibians, protected amphibians or unprotected amphibians.

(f) Mollusks, which must be further classified as either protected mollusks or unprotected mollusks.

(g) Crustaceans, which must be further classified as either protected crustaceans or unprotected crustaceans.

(h) Designated ~~terrestrial~~ invertebrates.

2. Protected wildlife may be further classified as either sensitive, threatened or endangered.

3. Each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, species may be moved from one classification to another.

Sec. 7. NRS 503.584 is hereby amended to read as follows:

503.584 1. The Legislature finds that:

(a) The economic growth of the State of Nevada has been attended with some serious and unfortunate consequences. Nevada has experienced the extermination or extirpation of some of the State's native species of animals, including fish , ~~and~~ vertebrate wildlife ~~[]~~ **and designated ~~terrestrial~~ invertebrates**. Serious losses have occurred and are occurring in other species of native wild animals with important economic, educational, historical, political, recreational, scientific and aesthetic values.

(b) The people of the State of Nevada have an obligation to conserve and protect the various species of native fish and wildlife that are threatened with extinction.

2. The purpose of NRS 503.584 to 503.589, inclusive, is to provide a program for the:

(a) Conservation, protection, restoration and propagation of selected species of native fish , ~~and other~~ vertebrate wildlife, including , **without limitation**, migratory birds ~~[]~~ **and designated ~~terrestrial~~ invertebrates**; and

(b) Perpetuation of the populations and habitats of such species.

Sec. 8. NRS 503.585 is hereby amended to read as follows:

503.585 A species or subspecies of native fish, wildlife , **including, without limitation, vertebrates and designated ~~terrestrial~~ invertebrates** and other fauna must be regarded as threatened with extinction when the Commission, after consultation with competent authorities, determines that its existence is endangered and its survival requires assistance because of overexploitation, disease or other factors or its habitat is threatened with destruction, drastic modification or severe curtailment. Any animal so declared to be threatened with extinction must be placed on the list of fully protected species, and no member of its kind may be captured, removed or destroyed at any time by any means except under special permit issued by the Department.

Sec. 9. NRS 503.587 is hereby amended to read as follows:

503.587 The Commission shall use its authority to manage land to carry out a program for conserving, protecting, restoring and propagating selected species of native fish ~~[]~~ **and** wildlife ~~and other~~ , **including, without limitation, vertebrates and designated ~~terrestrial~~ invertebrates** and their habitats which are threatened with extinction and destruction.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

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

Amendment No. 91.

AN ACT relating to governmental administration; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work

or for certain performance contracts of local governments or state agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020) **Section 2** of this bill provides that workers who perform custom fabrication on a public work must also be paid such a prevailing wage. **Section 1** of this bill: (1) defines the term “custom fabrication”; (2) defines the term “nonstandard good or material”; and (3) revises the definition of “worker” to include a worker who performs custom fabrication.

Existing law provides that performance contracts for certain operating cost-savings measures entered into by local governments and state agencies must contain in express terms the hourly and daily rate of wages to be paid to each class of mechanics and workers. Such wages must not be less than the prevailing wage in the region in which the local government or state agency is located. (NRS 332.390, 333A.120) Similar to **section 1, sections 3 and 4** of this bill, respectively, provide that workers who perform custom fabrication must also be paid such a prevailing wage.

Section 5 of this bill provides that the requirement to pay prevailing wage to workers who perform custom fabrication does not apply to a public works contract or performance contract awarded before January 1, 2024.

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

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Bona fide fringe benefit” means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

↪ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the

determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.

3. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

4. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

5. ***“Custom fabrication” means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific public work.***

6. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~{6.}~~ 7. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~{7.}~~ 8. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~{8.}~~ 9. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~{9.}~~ 10. “Discrete project” means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple

construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.

~~¶10.¶~~ **11.** “Division” means the State Public Works Division of the Department of Administration.

~~¶11.¶~~ **12.** “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~¶12.¶~~ **13.** “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~¶13.¶~~ **14.** “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~¶14.¶~~ **15.** “Horizontal construction” means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~¶15.¶~~ **16.** “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~¶16.¶~~ **17.** “*Nonstandard good or material*” includes, without limitation, any nonstandard good or material used in any of the following building systems:

(a) *Plumbing or pipe fitting;*

(b) *Ventilation system;*

- (c) *Air-conditioning system;*
- (d) *Heating system;*
- (e) ~~*Refrigeration system;*~~
- ~~(f) *Sheet metal or any other duct system;*~~
- ~~(g) *Boiler system;*~~
- ~~(h) *Electrical system;*~~
- ~~(i) *Welding work;*~~
- ~~(j) *Mechanical insulation work; and*~~
- ~~(k) *Ornamental iron work; sheet metal product; and*~~
- (f) *Signage, including, without limitation, any illuminated or unilluminated sign.*

18. “Offense” means:

- (a) Failing to:
 - (1) Pay the prevailing wage required pursuant to this chapter;
 - (2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
 - (3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
 - (4) Comply with subsection 5 or 6 of NRS 338.070.
- (b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.

~~17.~~ 19. “Prime contractor” means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

↪ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~18.~~ 20. “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~19.~~ 21. “Public work” means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

- (a) Public buildings;
- (b) Jails and prisons;
- (c) Public roads;
- (d) Public highways;
- (e) Public streets and alleys;
- (f) Public utilities;
- (g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

~~{20.}~~ 22. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~{21.}~~ 23. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↳ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~{22.}~~ 24. “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↳ for the provision of labor, materials, equipment or supplies for a construction project.

~~{23.}~~ 25. “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~{24.}~~ 26. “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~{25.}~~ 27. “Vertical construction” means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.

~~{26.}~~ 28. “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.

~~{27.}~~ 29. “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker, ~~{or}~~ unskilled worker **or worker who performs custom fabrication** in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or

written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers, ~~for~~ unskilled labor **or workers who perform custom fabrication** in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the region in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) Forty hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work; or

(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of:

(a) Forty hours in any scheduled week of work; or

(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the region where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 3. NRS 332.390 is hereby amended to read as follows:

332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers, ~~or~~ unskilled labor **or workers who perform custom fabrication** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the work or had awarded the contract.

2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds \$100,000, the qualified service company must furnish to the contracting body any bonds required pursuant to NRS 339.025. The provisions of chapter 339 of NRS apply to any performance contract described in this subsection.

3. *As used in this section:*

(a) *“Custom fabrication” means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.*

(b) *“Nonstandard good or material” has the meaning ascribed to it in NRS 338.010.*

Sec. 4. NRS 333A.120 is hereby amended to read as follows:

333A.120 1. If a performance contract entered into pursuant to this chapter requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers, ~~or~~ unskilled labor **or workers who perform custom fabrication** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The using agency, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the using agency had undertaken the work or had awarded the contract.

2. *As used in this section:*

(a) *“Custom fabrication” means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.*

(b) *“Nonstandard good or material” has the meaning ascribed to it in NRS 338.010.*

Sec. 5. The amendatory provisions of this act do not apply to any contract to which the provisions of:

1. NRS 338.020 to 338.090, inclusive;

2. NRS 332.390; or
3. NRS 333A.120,

↪ apply that is awarded before January 1, 2024.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

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

Amendment No. 128.

AN ACT relating to water; enacting provisions relating to the transmission of Legionnaires' disease by ~~certain~~ building water systems in covered health care facilities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120) Existing law also establishes requirements for: (1) a provider of health care, medical facility or laboratory director to report if a person has or is suspected of having a communicable disease; and (2) the health authority to investigate such reports. (NRS 441A.150-441A.165) This bill establishes certain requirements for the building water systems in covered health care facilities to limit the risk of the transmission of Legionnaires' disease.

Section 5 of this bill defines the term "covered health care facility" to mean a health care facility ~~that~~ **that receives federal or state money through Medicare or Medicaid:** (1) in which a patient's stay may exceed 24 hours; (2) that contains one or more areas to house and treat patients receiving treatment for burns, chemotherapy, solid organ transplantation or bone marrow transplantation; ~~or~~ (3) that contains one or more areas to house ~~and treat~~ patients who are immunocompromised ~~and~~ **and** at-risk ~~individuals,~~ **persons** on medications that weaken the immune system or **who** have ~~renal disease,~~

diabetes or chronic lung disease ~~;~~ **or (4) that is a residential facility for groups.**

~~Sections 3, 4~~ **2.5-4 and 6-8** of this bill define certain other terms relating to the provisions of this bill for covered health care facilities.

Section 9 of this bill requires each owner or operator of a covered health care facility to adopt and implement a water management plan for the building water system to minimize the risks of the transmission of Legionnaires' disease by the building water system, which, among other requirements, must: (1) **with certain exceptions**, be designed by a water management team that includes persons holding certain certifications relating to water management and infection control; and (2) include provisions for ~~sampling of~~ **monitoring** the water from the building water system ~~at certain specified locations.~~ **Section 9** further requires the owner or operator of the covered health care facility to review the water management plan on an annual basis.

~~Section 10 of this bill requires each owner or operator of a covered health care facility with a cooling tower to adopt and implement a maintenance program and plan for each cooling tower which must include a schedule for routine bacteriological culture sampling and analysis and Legionella culture sampling and analysis at certain intervals and upon the occurrence of certain events.~~

Section 8.5 of this bill requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to review each new edition of certain standards relating to water management and Legionellosis for the purposes of the provisions of sections 2-14 of this bill.

Section 11 of this bill requires a provider of health care, medical facility or laboratory director to immediately notify the health authority upon the suspicion or positive diagnosis of Legionnaires' disease connected to a covered health care facility.

Section 12 of this bill requires the Board to adopt regulations to carry out the provisions of **sections 2-14** ~~of this bill.~~

Section 13 of this bill requires the Board to submit a report to the Governor and the Director of the Legislative Counsel Bureau detailing the occurrence of Legionnaires' disease in this State.

Section 14 of this bill provides that a covered health care facility that violates the provisions of **sections 2-14** or any regulation adopted or order issued pursuant thereto is a public nuisance and ~~may be abated by the health authority.~~ **requires the covered health care facility to abate the nuisance.**

As a result of the inclusion of **sections 2-14** in chapter 441A of NRS, a person who violates the provisions of **sections 2-14** is guilty of a misdemeanor. **(NRS 441A.910)**

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

Section 1. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~2.5~~ 2.5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 2.5. *“Administrator” means the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 3. *“ASSE Series 12000” means the most recent edition of the ASSE/IAPMO/ANSI Series ~~12000-2021,~~ 12000, Professional Qualifications Standard for Water Management and Infection Control Risk Assessment for Building Systems, published by ASSE International, or its successor organization ~~12,~~ and approved by the Administrator pursuant to section 8.5 of this act.*

Sec. 4. *“Building water system” means a potable or non-potable water system in a building or building site ~~, including, without limitation, a water supply system, decorative water feature, evaporative cooler or condenser, whirlpool, humidification system or any other aerosolizing water feature.~~*

Sec. 5. *“Covered health care facility” means a health care facility ~~12,~~ that receives federal or state money through Medicare or Medicaid:*

- 1. Where a patient’s length of stay may exceed 24 hours;*
- 2. That contains one or more areas for housing or treating patients that are receiving treatment for burns, chemotherapy, organ transplants or bone marrow transplants; ~~for~~*
- 3. That contains one or more areas for housing ~~for treating~~ patients that are immunocompromised ~~12,~~ and at-risk ~~individuals,~~ persons taking medications that weaken the immune system or who have ~~renal disease,~~ diabetes or chronic lung disease ~~12,~~ or*
- 4. That is a residential facility for groups.*

Sec. 6. *“Health care facility” means any facility licensed pursuant to chapter 449 of NRS.*

Sec. 7. *“Legionnaires’ disease” means a pulmonary disease caused by the Legionella bacterium.*

Sec. 7.5. *“Residential facility for groups” has the meaning ascribed to it in NRS 449.017.*

Sec. 8. *“Standard 188” means the most recent edition of ANSI/ASHRAE Standard ~~188-2018,~~ 188, Legionellosis: Risk Management for Building Water Systems, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. or its successor organization ~~12,~~ and approved by the Administrator pursuant to section 8.5 of this act.*

- Sec. 8.5.** *1. The Administrator shall review each new edition of:*
- (a) ASSE Series 12000 that is published after the 2021 edition; and*
 - (b) Standard 188 that is published after the 2018 edition.*

2. Each new edition reviewed by the Administrator pursuant to subsection 1 shall be deemed approved unless the Administrator issues a formal declaration within 90 days after publication of the new edition that the edition is not suitable for this State.

Sec. 9. 1. Each owner or operator of a covered health care facility shall adopt and implement a water management program to minimize the growth and transmission of Legionella bacteria in the building water system in accordance with the provisions of sections 2 to 14, inclusive, of this act and any regulations adopted pursuant thereto.

2. The water management program required pursuant to subsection 1 must, without limitation:

(a) ~~Be consistent~~ designed and administered in accordance with the most recent version of Standard 188;

(b) ~~Be~~ Except as otherwise provided in subsection 5, be designed by a water management team that includes, without limitation:

(1) At least one person who holds the Water Quality Program Certification for Employers and Designated Representatives, ASSE 12060; and

(2) At least one person who holds the Legionella Water Safety and Management Personnel Certification, ASSE 12080;

(c) Require that any work or services necessary to administer the water management program, including, without limitation, ~~testing,~~ culture sampling and analysis, cleaning, flushing, disinfecting, ~~testing,~~ prevention, control or remediation measures, are performed by persons and organizations that have been certified in accordance with the most recent edition of ASSE Series 12000;

(d) Establish procedures to ~~confirm,~~ validate, as an initial matter and on an ongoing basis, that the water management plan has been implemented as designed and that the program is effectively controlling any hazardous conditions throughout the building water system; and

(e) Establish procedures to ~~conduct sampling and analysis of~~ monitor the building water system in accordance with subsection 3 and any regulations adopted by the Board pursuant to section 12 of this act.

3. A water management program adopted pursuant to this section must set forth requirements to ~~sample~~ monitor the building water system for the presence of Legionella bacteria. ~~at the following locations, as applicable:~~

~~(a) At least one sample of the inlet cold water supply at the first available tap;~~

~~(b) One sample from the return piping of the circulated potable water system;~~

~~(c) One sample from the outlet of a heating system;~~

~~(d) Except as otherwise provided in paragraph (c), at least three samples collected from each floor as follows:~~

~~(1) One sample from the tap closest to first delivery of hot water from the riser;~~

- ~~(2) One sample from the middle of the water system; and~~
- ~~(3) One sample from the last outlet before the water returns to the piping that conveys water back to the heater;~~
- ~~(c) If there are extensive lengths of piping and complex paths, one additional sample collected from each floor in accordance with paragraph (d);~~
- ~~(f) During an investigation of an occurrence or potential occurrence of Legionnaires' disease, at least one sample from any portion of the building water system that serves a location in the covered health care facility that houses affected patients or residents;~~
- ~~(g) If risers supply multiple circulation loops with each loop providing water to a group of rooms, samples from locations served by each loop; and~~
- ~~(h) During an initial assessment of a covered health care facility, a surface sample at locations representing the middle or end of the hot water line on each floor.]~~

4. The owner or operator of a covered health care facility shall:

(a) Except as otherwise provided in this paragraph, review the water management program and the ~~[sampling and analysis]~~ monitoring of the building water system conducted in accordance with the program on an annual basis. The owner or operator shall conduct an additional review of the water management program and ~~[sampling and analysis]~~ monitoring of the building water system if:

- (1) One or more cases of Legionnaires' disease are or may be associated with the covered health care facility;
- (2) Construction, modification or repair work has been completed which may affect the building water system;
- (3) The hematopoietic stem cell transplant and solid organ transplant units, if present, are expanded or relocated; or
- (4) Any other event determined by the Board that requires additional review.

(b) Maintain records of the water management program and all ~~[sampling]~~ monitoring details and results for at least 3 years. Such records must be made available for inspection by the Board or health authority upon request.

5. The requirements of paragraph (b) of subsection 2 do not apply to a rural clinic, rural hospital or hospital that has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

6. As used in this section:

(a) "Rural clinic" has the meaning ascribed to it in NRS 449.0175.

(b) "Rural hospital" has the meaning ascribed to it in NRS 449.0177.

Sec. 10. ~~[1. In addition to the requirements set forth in section 9 of this act, the owner or operator of a covered health care facility with a cooling tower system shall adopt and operate a maintenance program and plan for~~

~~each cooling tower that has been developed in accordance with Standard 188, which must, without limitation:~~

~~—(a) Establish a schedule for:~~

~~—(1) Routine bacteriological culture sampling and analysis to assess microbiological activity at intervals not to exceed 30 days while the cooling tower is in use, which must include, without limitation, additional bacteriological culture sampling and analysis as needed to validate process adjustments;~~

~~—(2) Routine Legionella culture sampling and analysis beginning not less than 14 days after the first day of the beginning of the seasonal use of the cooling tower and proceeding at intervals of not more than 90 days while the cooling tower is in use. If the cooling tower is used year-round, the schedule must require sampling and analysis at intervals of not more than 90 days and within 14 days following any maintenance that requires restarting the cooling tower.~~

~~—(b) Establish requirements for immediate Legionella culture sampling and analysis:~~

~~—(1) In the event of power failure of sufficient duration to allow for the growth of bacteria;~~

~~—(2) In the event of the loss of biocide treatment of sufficient duration to allow for the growth of bacteria;~~

~~—(3) In the event of the failure of conductivity control or any other control method to maintain proper cycles of concentration;~~

~~—(4) If the Board or health authority determines, based on epidemiologic data or laboratory testing, that one or more cases of Legionnaires' disease is or may be associated with the cooling tower; or~~

~~—(5) If any other event occurs that requires immediate sampling and analysis as determined by the Board.~~

~~—(c) Include a shutdown and disinfection plan for removing or permanently discontinuing the use of the cooling tower;~~

~~—(d) Require the treatment and manual or automated flushing of any piping, basin, sump or wetted surface in idle conditions; and~~

~~—(e) Require the cleaning and disinfection of the cooling tower before start up if the cooling tower has been shut down without treatment and recirculation for more than 5 consecutive days.~~

~~2. The operator or owner of the covered health care facility with a cooling tower shall ensure that any work or services for the cooling tower required by Standard 188 or the maintenance program and plan adopted pursuant to subsection 1, including, without limitation, testing, culture sampling and analysis, cleaning, flushing, disinfecting, testing, prevention, control or remediation measures, are performed by persons and organizations that have been certified in accordance with the most recent edition of ASSE Series 12000.] (Deleted by amendment.)~~

Sec. 11. Pursuant to NRS 441A.150, a provider of health care, medical facility or a laboratory director shall, in the manner prescribed by the Board,

immediately notify the health authority upon a suspicion or positive diagnosis of Legionnaires' disease in a covered health care facility. The health authority shall investigate the matter pursuant to NRS 441A.160 or 441A.163, as applicable.

Sec. 12. The Board shall adopt regulations to carry out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, requirements for sampling sites, monitoring and testing for Legionella bacteria in the building water system of a covered health care facility ~~For potable water systems, such regulation must include, without limitation:~~

- ~~1. Legionella culture sampling sites; and~~
~~2. Provisions requiring Legionella culture sampling and analysis.~~
- ~~(a) At intervals of not more than 90 days for the first year following the adoption of a sampling and management plan by the owner or operator of a covered health care facility;~~
~~(b) Except as otherwise provided in paragraph (c), after the first year following the adoption of a sampling and management plan, at least annually; and~~
~~(c) If a potable water system will serve a covered health care facility for hematopoietic stem cell transplants or solid organ transplants, at intervals of not more than 90 days.~~

Sec. 13. On or before January 31 of each year, the Board shall prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on Health and Human Services, a report detailing the occurrence of Legionnaires' disease in this State which must include, without limitation:

1. The number of cases of Legionnaires' disease in this State for each of the ~~previous~~ immediately preceding 10 years;
2. The number of positive Legionella culture test results reported to the Board for the ~~previous~~ immediately preceding year;
3. The number and types of violations of the provisions of sections 2 to 14, inclusive, of this act; and
4. Any recommendations of the Board for legislation necessary to further control Legionella bacteria in the water systems of covered health care facilities.

Sec. 14. Any covered health care facility in violation of the provisions of sections 2 to 14, inclusive, of this act, or any regulation adopted or order issued pursuant thereto, is hereby declared to be a public nuisance. ~~Such~~ A covered health facility shall abate any such nuisance. ~~may be abated or enjoined in an action brought by the health authority. The health authority may recover the costs of abating the public nuisance.~~

Sec. 15. 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. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

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

(b) On January 1, ~~2024,~~ **2025**, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

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

Amendment No. 92.

AN ACT relating to governmental administration; requiring the ~~board of county commissioners in~~ **governing body of** certain counties and ~~the governing body of a city in certain counties,~~ **cities** to ensure that public notices are issued in certain languages; requiring each **such** county and city to develop a language access plan ~~[in coordination with]~~ **; requiring** the Office for New Americans created in the Office of the Governor ~~[,]~~ **to employ a person to perform certain duties related to language access;** requiring the Director of the Office for New Americans to submit a biannual report to the Legislature relating to language access plans of state agencies and local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the head of each agency of the Executive Department of the State Government to designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets certain requirements. (NRS 232.0081) Similarly, **sections 3 and 6** of this bill, respectively, require each board of county commissioners and governing body of a city to: (1) designate one or more employees of the county or city, as applicable, to be responsible for developing and biennially revising a language access plan for the county or city, as applicable, that meets certain requirements; and (2) on or before ~~January~~ **August** 1 of each even-numbered year, submit the language access plan to the ~~Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs. Sections 3, 4 and 6 of this bill require that such a language access plan be developed in coordination and collaboration with the~~ Office for New Americans created in the Office of the Governor.

Section 4 of this bill requires the Director of the Office for New Americans to, on or before ~~January 1~~ **September 30** of each ~~odd-numbered~~ **even-**

numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, setting forth any recommendations for legislation relating to language access plans of state agencies or local governments. **Section 4 further requires the Director of the Office to employ a person to serve as the language access coordinator to: (1) coordinate with each governing body required to create a language access plan; (2) provide oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans; (3) provide any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access requirements; (4) maintain a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks; (5) train any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process; (6) receive and investigate complaints relating to language access against any state agency, board of county commissioners or governing body of a city and work with the Director to resolve such complaints; (7) implement an annual budget and procurement strategy for expenses related to state language access plans; and (8) provide any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.**

Sections 2 and 7 of this bill require the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and the governing body of a city **whose population is 25,000 or more** located in such a county (currently ~~Boulder City and~~ the Cities of Henderson, Las Vegas, ~~Mesquite,~~ North Las Vegas, Reno and Sparks) to ensure that any public notice **which** is issued **by the planning commission of the county or city, as applicable, sets forth a link to the Internet website of the county or city, as applicable, that includes the public notice** in every language in which voting materials are required to be prepared in the county pursuant to federal and state law. **Sections 2 and 7 further require such boards of county commissioners and such governing bodies of cities to make a good faith effort to find certified translators to translate such information. Sections 2 and 7 provide that the respective county, county employees, city and city employees are not liable for any such translation.**

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The board of county commissioners in a county whose population is 100,000 or more shall ~~ensure~~ :*

(a) Ensure that any public notice ~~is~~ issued by the planning commission of the county:

(1) Sets forth the link to the Internet website of the county and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the county in every language in which voting materials are required to be prepared in the county pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The county and employees of the county are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, “public notice” means any notice or other written matter that the planning commission of the county is required to send by mail to

a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 3. 1. *Each board of county commissioners shall designate one or more employees of the county to be responsible for developing and biennially revising a language access plan for the county that meets the requirements of subsection 2. ~~In developing and revising the language access plan, the employee or employees shall coordinate and collaborate with the Office for New Americans created in the Office of the Governor by NRS 223.910.~~*

2. A language access plan must assess existing needs of the residents of the county for language services and the degree to which the county has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the county. The plan must:

(a) Outline the compliance of the county and any contractors, grantees, assignees, transferees or successors of the county with existing federal and state laws and regulations and any requirements associated with funding received by the county concerning the availability of language services and accessibility of the services provided by the county or any contractors, grantees, assignees, transferees or successors to residents of the county who are persons with limited English proficiency;

(b) ~~List the relevant demographics of persons residing in the county, including, without limitation:~~

~~(1) The preferred language and literacy level of residents;~~

~~(2) The ability of residents to access services the county provides electronically;~~

~~(3) The number and percentage of residents in the county who are indigenous; and~~

~~(4) The number and percentage of residents in the county who are refugees;~~

~~(e)~~ Provide an inventory of language services currently provided by the county, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the county in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) ~~A comparison of the number of employees of the county who regularly have contact with the public to the number of employees who are fluent in more than one language, in aggregate and disaggregated by language;~~

~~(4) A description of any position in the county designated for a dual role interpreter;~~

~~(5)~~ Procedures and resources used by the county for outreach to persons with limited English proficiency who are residents of the county, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

~~(6)~~ (4) Any resources made available to employees of the county related to cultural competency;

~~(4)~~ (c) Provide an inventory of the training and resources provided to employees of the county who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) ~~Ensuring the competency of interpreters and translation services;~~

~~(4)~~ Recording in the electronic records of the county that a resident served by the county is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

~~(5)~~ (4) Communicating with the board concerning the needs of the residents served by and eligible to receive any services from the county for language services; and

~~(6)~~ (5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county of the services available from the county in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

~~(e)~~ (d) Identify areas in which the services described in paragraph ~~(e)~~ (b) and the training and resources described in paragraph ~~(4)~~ (c) do not

meet the needs of residents who are persons with limited English proficiency in the county, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the county; and

(II) That translators and interpreters used by the county adequately represent the preferred languages spoken by residents of the county; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each board of county commissioners shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

~~(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and~~

~~(c)~~ Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the county as identified pursuant to paragraph ~~(c)~~ (d) of subsection 2, in the proposed budget for the county.

5. On or before ~~January~~ August 1 of each even-numbered year, each board of county commissioners shall submit the language access plan developed and revised pursuant to subsection 1 to the ~~Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs~~ Office for New Americans created in the Office of the Governor pursuant to NRS ~~218E.320~~ 223.910.

6. As used in this section:

(a) ~~“Dual role interpreter” has the meaning ascribed to it in NRS 232.0081.~~

~~(b)~~ “Language services” has the meaning ascribed to it in NRS 232.0081.

~~(c)~~ (b) “Oral language services” has the meaning ascribed to it in NRS 232.0081.

~~(d)~~ (c) *“Person with limited English proficiency” has the meaning ascribed to it in NRS 232.0081.*

~~(e)~~ (d) *“Translation services” has the meaning ascribed to it in NRS 232.0081.*

Sec. 4. NRS 223.920 is hereby amended to read as follows:

223.920 The Director of the Office for New Americans created by NRS 223.910 shall ensure that the Office:

1. Serves as the coordinating office for each state agency that is responsible for a program that provides services to immigrants in this State, including, without limitation, a program that:

(a) Relates to professional licensing, registration, permitting or similar types of authorization issued by a regulatory body;

(b) Connects immigrants to entrepreneurial and other business resources and workforce development training and programs; and

(c) Assists immigrants in areas relating to quality of life, including, without limitation, education, housing and health care.

2. Reviews and analyzes the policies and programs of state agencies relating to immigrants and makes recommendations to the Governor on such policies and programs, including, without limitation, the elimination of duplication in existing state programs.

3. Provides information and assistance relating to issues affecting immigrants to state agencies, both directly and by serving as a clearinghouse for information received from state agencies, other departments of the State Government, political subdivisions of this State, any other state or the Federal Government.

4. Engages in state and federal advocacy and makes recommendations concerning law and policy affecting immigrants to advance economic and population growth in this State.

5. Develops sustainable partnerships with community foundations and other nonprofit and private sector entities that serve immigrant communities in this State.

6. **Employs a person to serve as the language access coordinator who:**

(a) Coordinates with:

~~(e)~~ (1) **Each board of county commissioners and each governing body of a city required to develop a language access plan pursuant to section 3 or ~~5~~ 6 of this act, as applicable;**

~~(b)~~ (2) Refugee resettlement agencies in this State to identify gaps in programs provided by those agencies; and

~~(b)~~ ~~(e)~~ (3) State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State. ~~(1)~~;

(b) Provides oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans;

(c) Provides any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access plans;

(d) Maintains a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks;

(e) Trains any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process;

(f) Receives and investigates complaints relating to language access against any state agency, board of county commissioners or governing body of a city and works with the Director to resolve such complaints;

(g) Implements an annual budget and procurement strategy for expenses related to state language access plans; and

(h) Provides any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

7. On or before ~~January 1~~ September 30 of each ~~odd-numbered~~ even-numbered year, submits a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, that sets forth any recommendations for legislation relating to language access plans of state agencies or local governments.

8. As used in this section, “person with limited English proficiency” has the meaning ascribed to it in NRS 232.0081.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. 1. *The governing body of a city shall designate one or more employees of the city to be responsible for developing and biennially revising a language access plan for the city that meets the requirements of subsection 2.* ~~[In developing and revising the language access plan, the employee or employees shall coordinate and collaborate with the Office for New Americans created in the Office of the Governor by NRS 223.910.]~~

2. *A language access plan must assess existing needs of the residents of the city for language services and the degree to which the city has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the city. The plan must:*

(a) Outline the compliance of the city and any contractors, grantees, assignees, transferees or successors of the city with existing federal and state laws and regulations and any requirements associated with funding received by the city concerning the availability of language services and accessibility of the services provided by the city or any contractors, grantees, assignees,

transferees or successors to residents of the city who are persons with limited English proficiency;

~~(b) List the relevant demographics of persons residing in the city, including, without limitation:~~

~~(1) The preferred language and literacy level of residents;~~

~~(2) The ability of residents to access services the city provides electronically;~~

~~(3) The number and percentage of residents in the city who are indigenous; and~~

~~(4) The number and percentage of residents in the city who are refugees;~~

~~(e) Provide an inventory of language services currently provided by the city, including, without limitation:~~

~~(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the city in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;~~

~~(2) Oral language services offered by language and type;~~

~~(3) A comparison of the number of employees of the city who regularly have contact with the public to the number of employees who are fluent in more than one language, in aggregate and disaggregated by language;~~

~~(4) A description of any position in the city designated for a dual role interpreter;~~

~~(5) Procedures and resources used by the city for outreach to persons with limited English proficiency who are residents of the city, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and~~

~~(6) (4) Any resources made available to employees of the city related to cultural competency;~~

~~(d) (c) Provide an inventory of the training and resources provided to employees of the city who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:~~

~~(1) Obtaining language services internally or from a contractor;~~

~~(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;~~

~~(3) Ensuring the competency of interpreters and translation services;~~

~~(4) Recording in the electronic records of the city that a resident served by the city is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;~~

~~(5) (4) Communicating with the governing body concerning the needs of the residents served by and eligible to receive any services from the city for language services; and~~

~~[(6)]~~ (5) *Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city of the services available from the city in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and*

~~[(e)]~~ (d) *Identify areas in which the services described in paragraph ~~[(e)]~~ (b) and the training and resources described in paragraph ~~[(d)]~~ (c) do not meet the needs of residents who are persons with limited English proficiency in the city, including, without limitation:*

(1) *Estimates of additional funding required to meet those needs;*

(2) *Targets for employing persons who are fluent in more than one language;*

(3) *Additional requirements necessary to ensure:*

(I) *Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the city; and*

(II) *That translators and interpreters used by the city adequately represent the preferred languages spoken by residents of the city; and*

(4) *Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.*

3. *If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.*

4. *The governing body of a city shall:*

(a) *Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and*

~~(b) *Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and*~~

~~[(e)]~~ *Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the city as identified pursuant to paragraph ~~[(e)]~~ (d) of subsection 2, in the proposed budget for the city.*

5. *On or before ~~January~~ August 1 of each even-numbered year, the governing body of a city shall submit the language access plan developed and revised pursuant to subsection 1 to the ~~Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on~~*

~~Government Affairs~~ Office for New Americans created in the Office of the Governor pursuant to NRS ~~218E.320~~ 223.910.

6. As used in this section:

~~(a) “Dual role interpreter” has the meaning ascribed to it in NRS 232.0081.~~

~~(b) “Language services” has the meaning ascribed to it in NRS 232.0081.~~

~~(c) (b) “Oral language services” has the meaning ascribed to it in NRS 232.0081.~~

~~(d) (c) “Person with limited English proficiency” has the meaning ascribed to it in NRS 232.0081.~~

~~(e) (d) “Translation services” has the meaning ascribed to it in NRS 232.0081.~~

Sec. 7. 1. The governing body of a city whose population is 25,000 or more located in a county whose population is 100,000 or more shall ~~ensure~~:

(a) Ensure that any public notice ~~is~~ issued by the planning commission of the city:

(1) Sets forth a link to the Internet website of the city and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the city in every language in which voting materials are required to be prepared in the city pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The city and employees of the city are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, “public notice” means any notice or other written matter that the ~~planning commission of the city~~ is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 8. 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. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time and ordered to third reading.

Assembly Bill No. 361.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 137, 192, 201, 221, 263, and 266 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 1, 6, 37, and 345 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 20 revises the acceptable uses of money received, and entities eligible to receive money from, the Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects, in accordance with federal law.

The bill also revises how funding received from the Account for the Revolving Fund and the Account for Set-Aside Programs may be used, in accordance with federal law.

Finally, the bill expands the list of eligible recipients receiving certain grants from the Board for Financing Water Projects and removes the requirement that not more than three members of the Board may be of the same political party.

Roll call on Assembly Bill No. 20:

YEAS—37.

NAYS—Dickman, Gallant, Gray, Kasama, McArthur—5.

Assembly Bill No. 20 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Assembly Bill 54 makes various provisions regarding school attendance and related topics. Among other items, the bill revises certain provisions concerning compulsory school attendance and student absences; requires school districts to monitor and report chronic absenteeism and allows them to adopt a chronic absenteeism policy; revises the circumstances under which a pupil may be declared habitually truant; requires the use of average daily enrollment for purposes of apportionment; requires the membership of an advisory board to review school attendance to reflect, to the greatest extent possible, the ethnic and geographic diversity of the relevant county; eliminates a reporting requirement regarding students who receive free or reduced-price meals; authorizes hospitals and other facilities that provide certain educational services to a child to request reimbursement from the school district or charter school in which the child is enrolled and

revises the method for calculating such a reimbursement; and authorizes certain notices and other communications to be made electronically.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 74 authorizes the Board of Regents, Nevada System of Higher Education, to enter into an agreement with a public or private entity to promote and enhance an educational program or student life at an institution and outlines certain provisions for such agreements, including certain provisions relating to prevailing wage. The bill further determines that any such agreement is subject to certain policies established by the Board of Regents.

Roll call on Assembly Bill No. 74:

YEAS—42.

NAYS—None.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 100 requires the Department of Health and Human Services, during the 2023-2024 interim, to develop evidence-based and culturally sensitive assessments to be administered by the Department to family caregivers of individuals with disabilities or health conditions; implement a pilot program to administer these assessments to family caregivers; recruit certain persons and entities who directly or indirectly receive funding from the Department to voluntarily participate in the pilot program; and annually report on the progress and results of the pilot program.

Roll call on Assembly Bill No. 100:

YEAS—42.

NAYS—None.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 118 makes certain changes concerning the Board of Regents. Specifically, it revises overall membership from 13 to 9 members; revises terms to four-year periods; and outlines provisions concerning election districts, dates, and terms.

Roll call on Assembly Bill No. 118:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O’Neill—12.

Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 172 requires each local government employer to semiannually provide each employee organization recognized by the local government employer certain contact information for each employee of the bargaining unit represented by the employee organization. The bill also specifies that the information is not a public record.

Roll call on Assembly Bill No. 172:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O’Neill, Yurek—14.

Assembly Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 191 limits the term “supplier of water” to a public or private entity which has at least 15 service connections serving year-round residents of the system that supplies water for municipal or quasi-municipal purposes.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 191:

YEAS—42.

NAYS—None.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 202 authorizes a patient in a skilled nursing facility or the patient's representative to request the installation and use of an electronic communication device in the patient's living quarters if certain conditions are met. Prior to the installation and use of such a device, a patient or patient's representative must obtain the written consent of a patient's roommate or the roommate's representative, if applicable. A facility shall make reasonable efforts to accommodate a patient whose roommate fails to provide such consent.

This bill is effective upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks, and on October 1, 2023, for all other purposes.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—Gray.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 262 requires, to the extent practicable, state agencies to give preference to purchasing automobiles that minimize emissions and the total cost of the automobile over its service life. The bill also requires state agencies, to the extent practicable, to give preference to purchasing motor vehicle fuel blended with ethanol and to ensure diesel-powered automobiles, if purchased, are capable of using certain biodiesel fuel blends. The agencies must maintain records on the type of fuel used by each vehicle purchased, and the Fleet Services Division of the Department of Administration must maintain such records for all vehicles assigned to the Division.

Lastly, the bill declares that it is the policy of this state to pursue and support a transition of all publicly owned vehicles to vehicles that emit zero tailpipe emissions by 2050.

Roll call on Assembly Bill No. 262:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Assembly Bill 350 requires each law enforcement agency to include certain additional information relating to seizures and forfeitures in the annual report submitted to the Office of the Attorney General. This bill additionally requires the Office of the Attorney General to make the reports relating to seizures and forfeitures that are published on its Internet website available in a machine-readable format.

Roll call on Assembly Bill No. 350:

YEAS—42.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 424 requires the State Board of Finance to issue not more than \$13 million in general obligation bonds to fund certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin. The bill also allows the use of interest accrued on the proceeds of previously issued bonds to carry out such projects.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 424:

YEAS—42.

NAYS—None.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 2:46 p.m.

Mr. Speaker presiding.

Quorum not present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Alma Marin, Caitlin Gatchalian, and Gamaliel Enriquez.

Mr. Speaker announced that the Assembly would adjourn until Monday, April 17, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:47 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly